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SESSIONAL PAPERS.

VOL. XXV.—PART VIII.

THIRD SESSION OF SEVENTH LEGISLATURE

OF THE

PROVINCE OF ONTARIO.

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LIST OF SESSIONAL PAPERS.

ARRANGED ALPHABETICALLY.

TITLE.	No.	REMARKS.
Accounts (*Dominion and the Provinces*)	65	*Printed.*
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Agricultural and Arts, Report	11	"
Agricultural College, Report	22	"
Agricultural Societies, Analysis	60	*Not printed.*
Anatomy, Inspector, Bodies received by	71	*Printed.*
Asylums, Report	8	"
Baxter, Judge, commutation	33	*Not printed.*
Bee-Keepers' Association, Report	83	*Printed.*
Births, Marriages and Deaths, Report	5	"
Blind Institute, Report	6	"
Bonds and Securities	53	*Not printed.*
Canadian Institute, Report	23	*Printed.*
Cattle, Dehorning, Report	2	"
Central Farmers' Institute, Report	84	"
Cholera regulations	66	"
Colonization Roads and Bridges	78	"
Crown Lands Report	17	"
Dairymen's and Creameries', Report	16	*Printed.*
Deaf and Dumb Institute, Report	7	"
Dehorning Cattle, Report	2	"
Division Courts, Report	26	"
Drainage Commission, Report	32	"
Duffern License Commissioners, correspondence	91	*Not printed.*
Education, Report	3	*Printed.*
" publication of Text-Books, O. in C	42	*Not printed.*
" publication of French Grammar	43	"
" lecturers at School of Pedagogy	44	"
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" Toronto Junction High School	47	"
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" County pupils attending High Schools	52	*Printed.*
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Elections, Returns	75	"
Elgin House of Industry, Report	39	*Not printed.*
Entomological Society, Report	12	*Printed.*
Estimates.	15	"

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Factories Inspectors, Report	25	*Printed.*
Farmers' Institute, Central, Report	84	"
Fire Ranging, expenditure	41	"
Fish and Game, Report	76	"
Forest Reservation and National Park, Report	31	"
Forestry, Forest Schools Management, Report	30	"
Fruit Growers', Report	13	"
Game and Fish, Report	76	*Printed.*
Gaols, Prisons and Reformatories, Report	9	"
Government Roads	78	"
Health, Report	28	*Printed.*
" regulations *re* cholera	66	"
" regulations *re* ice supply	67	"
Hospitals, Report	38	"
Houses of Refuge, Report	10	"
Ice, regulations *re* supply and storage	67	*Printed.*
Immigration, Report	18	"
Industries, Bureau of, Report	20	"
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Kirkpatrick, Lieutenant-Governor	57	*Printed.*
Lands sold, amounts due on	68	*Printed.*
Legal Offices, Report	27	"
Librarian, Report	37	*Not printed.*
Lieutenant-Governor, appointment	57	*Printed.*
Liquor Licenses, Report	19	"
" number issued	49	"
" convictions in N. Ontario	88	*Not printed.*
Magdalen Asylums, Report	10	*Printed.*
Manley, conduct of	51	*Not printed.*
Medical Council, sums paid to members	86	*Printed.*
Middlesex Registry Office, vacancies in	58	*Not printed.*
Mines, Report of Bureau	85	*Printed.*
Mosgrove, Judge, commutation	34	*Not printed.*
Municipal indebtedness	89	*Printed.*
Municipal Taxation, Report	73	"
Municipal Treasurers, defalcations	79	"
Orphan Asylums, Report	10	*Printed.*
Ottawa Separate Schools, correspondence	50	"
Paget and Regan, correspondence	63	*Not printed.*
Pedagogy, lecturers	44	"
Pedgaogy, appointments and dismissals	54	*Printed.*

Title.	No.	Remarks.
Plebiscite Petitions	93	*Printed*
Poultry and Pet Stock, Report	82	"
Prisons, Report	9	"
Proton Commissioner	64	*Not printed.*
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Public Works, Report	24	"
Queen Victoria Niagara Falls Park, Report	69	*Printed.*
Railway Documents	59	*Printed.*
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Secretary and Registrar, Report	90	*Printed.*
Statutes, Revised, disposal of	35	*Not printed.*
Statutes, Sessional, disposal of	36	"
Tavern and Shop Licenses, Report	19	*Printed.*
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Timber berths, purchasers in 1890	74	"
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Titles, Report of Master	61	"
Toronto General Trusts Company	56	*Not printed.*
Toronto Normal School, appointments, etc.	54	*Printed.*
Toronto University, Report	70	"
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" Finance Report	21	"
Upper Canada College, Report	29	*Printed.*
York Branch River Bridge	80	*Not printed.*
York House of Industry, Report	40	"

LIST OF SESSIONAL PAPERS.

Arranged in Numerical Order with their Titles at full length; the dates when Ordered and when presented to the Legislature; the name of the Member who moved the same, and whether Ordered to be Printed or not.

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No. 1.. Report of the Standing Committee on the Faculty of Medicine, University of Toronto, on the subject of Re-organization. Presented to the Legislature, 10th April, 1893. (*Printed.*)

No. 2.. Report of the Commissioners appointed to enquire into the practice of Dehorning Cattle. Presented to the Legislature, 10th April, 1893. (*Printed.*)

No. 3.. Report of the Minister of Education for the year 1892, with Statistics of 1891, in which is included the Reports upon the Scientific Institutions and School of Practical Science. Presented to the Legislature, 5th April, 1893. (*Printed.*)

CONTENTS OF PART II.

No. 4.. Report of the Inspector of Insurance and Registrar of Friendly Societies for the year 1892. Presented to the Legislature, 5th April, 1893. (*Printed.*)

No. 5.. Report relating to the Registration of Births, Marriages and Deaths for the year 1892. Presented to the Legislature, 19th May, 1893. (*Printed.*)

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No. 6.. Report upon the Ontario Institution for the education and instruction of the Blind, Brantford, for the year ending 30th September, 1892. Presented to the Legislature, 5th April, 1893. (*Printed*)

No. 7.. Report upon the Ontario Institution for the education of the Deaf and Dumb, Belleville, for the year ending 30th September, 1892. Presented to the Legislature, 5th April, 1893. (*Printed.*)

No. 8.. Report upon the Lunatic and Idiot Asylums of the Province for the year ending 30th September, 1892. Presented to the Legislature, 10th April, 1893. (*Printed.*)

No. 9.. Report upon the Common Gaols, Prisons and Reformatories, for the year ending 30th September, 1892. Presented to the Legislature, 5th April, 1893. (*Printed.*)

No. 10.. Report upon the Houses of Refuge and Orphan and Magdalen Asylums for the year ending 30th September, 1892. Presented to the Legislature, 10th April, 1893. (*Printed.*)

No. 11.. Report of the Agriculture and Arts Association for the year 1892. Presented to the Legislature, 10th April, 1893. (*Printed.*)

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No. 12.. Report of the Entomological Society for the year 1892. Presented to the Legislature, 10th April, 1893. (*Printed.*)

No. 13.. Report of the Fruit Growers' Association for the year 1892. Presented to the Legislature, 10th April, 1893. (*Printed.*)

No. 14.. Public Accounts of the Province for the year 1892. Presented to the Legislature, 5th April, 1893. (*Printed.*)

No. 15.. Estimates for the service of the Province until the Estimates of the year are finally passed. Presented to the Legislature, 5th April, 1893. (*Not printed.*) Estimates for the year 1893. Presented to the Legislature, 5th April, 1893. (*Printed.*) Estimates required for the service of the Province until the Estimates for the year are finally passed. Presented to the Legislature, 1st May, 1893. (*Not printed.*) Estimates (supplementary) for the year 1893. Presented to the Legislature, 25th May, 1893. (*Printed.*)

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No. 16.. Report of the Dairymen's and Creameries' Associations of the Province for the year 1892. Presented to the Legislature, 19th May, 1893. (*Printed.*)

No. 17.. Report of the Commissioner of Crown Lands for the year 1892. Presented to the Legislature, 18th April, 1893. (*Printed.*)

No. 18.. Report of the Department of Immigration for the year 1892. Presented to the Legislature, 5th May, 1893. (*Printed.*)

No. 19.. Report upon the working of the Tavern and Shop Licenses Act for the year 1892. Presented to the Legislature, 10th April, 1893. (*Printed.*)

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No. 20.. Report of the Bureau of Industries for the year 1892. Presented to the Legislature, 12th May, 1893. (*Printed.*)

No. 21.. Report of the Standing Committee on Finance, University of Toronto. Presented to the Legislature, 10th April, 1893. (*Printed.*)

No. 22.. Report of the Ontario Agricultural College and Experimental Farm for the year 1892. Presented to the Legislature, 10th April, 1893. (*Printed.*)

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No. 23 .. Report for the Canadian Institute for the year 1892. Presented to the Legislature, 19th May, 1893. (*Printed.*)

No. 24.. Report of the Commissioner of Public Works for the year 1892. Presented to the Legislature, 12th April, 1893. (*Printed.*)

No. 25.. Reports of the Inspectors of Factories of the Province for the year 1892. Presented to the Legislature, 19th May, 1893. (*Printed.*)

No. 26.. Report of the Inspector of Division Courts for the year 1892. Presented to the Legislature, 19th May, 1893. (*Printed.*)

No. 27.. Report of the Inspector of Legal Offices for the year 1892. Presented to the Legislature, 2nd May, 1893. (*Printed.*)

No. 28.. Report of the Provincial Board of Health for the year 1892. Presented to the Legislature, 19th May, 1893. (*Printed.*)

No. 29.. Report of Upper Canada College for the year ending 30th June, 1892. Presented to the Legislature, 6th April, 1893. (*Printed.*)

No. 30.. Papers and Reports upon Forestry, Forest Schools, Administration and Management. Presented to the Legislature, 20th April, 1893. (*Printed.*)

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No. 31.. Report of the Royal Commission on Forest Reservation and National Park. Presented to the Legislature, 20th April, 1893. (*Printed.*)

No. 32.. Report of the Drainage Commission for the Province, 1892-3. Presented to the Legislature, 4th May, 1893. (*Printed.*)

No. 33.. Copy of an Order in Council commuting the fees payable to His Honour Judge Baxter, under the Surrogate Courts Act. Presented to the Legislature, 5th April, 1893. (*Not printed.*)

No. 34.. Copy of an Order in Council respecting the payment of Surrogate Court fees to His Honour, Judge Mosgrove. Presented to the Legislature, 5th April, 1893. (*Not printed.*)

No. 35.. Statement as to the disposal of the Revised Statutes for the year 1892. Presented to the Legislature, 5th April, 1893. (*Not printed.*)

No. 36.. Statement as to the disposal of the Sessional Statutes for the year 1892. Presented to the Legislature, 5th April, 1893. (*Not printed.*)

No. 37.. Report of the Librarian on the state of the Library. Presented to the Legislature, 6th April, 1893. (*Not printed.*)

No. 38.. Report upon the Hospitals of the Province for the year ending 30th September, 1892. Presented to the Legislature, 14th April, 1893. (*Printed.*)

No. 39.. Report of the House of Industry and Refuge, County of Elgin. Presented to the Legislature, 10th April, 1893. (*Not printed.*)

No. 40.. Report on the House of Industry, County of York. Presented to the Legislature, 10th April, 1893. (*Not printed.*)

No. 41.. Return to an Order of the House, of the sixth day of April, 1892, shewing the expenditure in each year, since the system of fire ranging has been established for that service, the amount of refunds in each year, and the amount remaining unpaid on account of the licensee's share of the expenditure. Presented to the Legislature, 10th April, 1893. Mr. *Meredith.* (*Printed.*)

No. 42.. Copy of an Order-in-Council approving of certain agreements in regard to publication of Text Books. Presented to the Legislature, 11th April, 1893. (*Not printed.*)

No. 43.. Copy of an Order-in-Council respecting a certain indenture of agreement in regard to the publication of the High School French Grammar. Presented to the Legislature, 11th April, 1893. (*Not printed.*)

No. 44.. Copy of an Order-in-Council respecting the appointment of Lecturers at the School of Pedagogy for the Session of 1892-93. Presented to the Legislature, 11th April, 1893. (*Not printed.*)

No. 45.. Copy of an Order inCouncil raising the High School at Goderich to the status of a Collegiate Institute. Presented to the Legislature, 11th April, 1893. (*Not printed.*)

No. 46.. Copy of an Order-in-Council relating to the establishment of a High School at Niagara Falls. Presented to the Legislature, 11th, April, 1893. (*Not printed.*)

No. 47.. Copy of an Order-in-Council respecting the establishment of a High School at Toronto Junction. Presented to the Legislature, 11th April, 1893. (*Not printed.*)

No. 48.. Copy of an Order-in-Council respecting the performance, during his absence through illness, of certain of the duties of the Inspector of Model Schools. Presented to the Legislature, 11th April, 1893. (*Not printed.*)

No. 49.. Return to an Order of the House of the seventeenth day of March, 1892, for a Return shewing the number of liquor licenses issued in each year from 1876 to 1891, both inclusive. The gross fund raised from licenses in each of the same years. The sums paid out of the said fund in each of the same years to the Province and the Municipalities respectively, and the sums the Municipalities have imposed by by-law over and above the Statutory Duties in each of the same years. Presented to the Legislature, 12th April, 1893. Mr. *Clancy.* (*Printed.*)

No. 50.. Return to an Order of the House of the twenty-third day of March, 1892, for a Return of copies of all correspondence between Mr. Inspector White and the Board of Separate School Trustees of the City of Ottawa, together with copies of all reports made by the Inspector to the said Board, with reference to the Separate Schools of the City, during the year 1891. Presented to the Legislature, 12th April, 1893. Mr. *Whitney.* (*Printed.*)

No. 51.. Return to an Order of the House of the twenty-fifth day of March, 1892, for a Return of copies of all correspondence between the Minister of Education, Sir Daniel Wilson, and one Manley, late caretaker or janitor of the School of Practical Science, or any other person or persons, relating to the conduct of said Manley while janitor, and his dismissal from said position. Presented to the Legislature, 12th April, 1893. Mr. *Whitney.* (*Not printed.*)

No. 52.. Return to an Order of the House of the eleventh day of April, 1892, for a Return shewing the number of County pupils attending High Schools or Collegiate Institutes in Towns separated from Counties for Municipal purposes, for each of the past three years ending 30th June; the amounts paid by said Counties to the said High Schools and Collegiate Institutes

RETURN No. 55.—ERRATA.

Return number Fifty-five was erroneously mentioned as a Return to be printed in the Fifth Report of the Committee on Printing (as also in the index to this volume). It has not therefore been published.

for the same period; the amounts paid by said Counties to the said High Schools and Collegiate Institutes under the High Schools Act of 1891. Presented to the Legislature, 12th April, 1893. Mr. *Preston.* (*Printed*)

No. 53.. Statement of Bonds and Securities registered by Officers of the Province during the year 1892 Presented to the Legislature, 14th April, 1893. (*Not printed.*)

No. 54.. Return to an Order of the House of the twenty-fifth day of March, 1892, for a Return giving the names of all persons who have been appointed to, who have resigned and been dismissed from positions in the Toronto Normal School, the Toronto Model School and the School of Pedagogy, within the last five years, together with copies, in each case, of all correspondence relating to the same between the Minister of Education or any member of the Government, or any officer of the Department of Education and the parties in question, or any other person or persons. Also, copies of all petitions, memorials and communications addressed to the Minister of Education, or any member of the Government, on the part of any, or all of the students of the Toronto Normal School, the Toronto Model School and the School of Pedagogy, within the last five years, and of any replies thereto on the Department of Education or the Government. Presented to the Legislature, 14th April, 1893. Mr. *Whitney.* (*Printed.*)

No. 55 . Return to an Order of the House of the fourth day of April, 1892, for a Return shewing the names of all authors and publishers of Public and High School text-books, with the respective books published by them and the prices thereof. Also, for the copies of all correspondence by or with the Minister of Education, or any officer of his department, respecting the price or publication of Public or High School text-books, subsequent to that already brought down. Presented to the Legislature, 14th April, 1893. Mr. *Kerns.* (*Printed.*)

No. 56.. Report of the Toronto General Trusts Company for the year 1892. Presented to the Legislature, 17th April, 1893. (*Not printed.*)

No. 57.. Copy of Commission appointing the Honourable George Airey Kirkpatrick, P.C., to be Lieutenant-Governor of the Province of Ontario, and of the instructions thereto attached. Presented to the Legislature, 20th April, 1893. (*Printed.*)

No. 58.. Return to an Order of the House of the tenth day of April, 1893, for a Return shewing how often, in the past ten years, the office of Registrar of Deeds for the North and East Ridings of the County of Middlesex has become vacant; the dates when the vacancies occurred and when they were filled, and, if the office is now vacant, how long the vacancy has continued. Presented to the Legislature, 20th April, 1893. Mr. *Meredith.* (*Not printed.*)

No. 59.. Papers and Documents relating to the Kingston, Napanee and Western Railway Company, the Ottawa, Arnprior and Parry Sound Railway Company, the Irondale, Bancroft and Ottawa Railway Company, and the Central Counties Railway Company. Presented to the Legislature, 25th May, 1893. (*Printed.*)

No. 60.. Analysis of Reports of Electoral District and Township Agricultural and Horticultural Societies in Ontario for the year 1892. Presented to the Legislature, 21st April, 1893. (*Not printed.*)

No. 61.. Report of the Master of Titles for the year 1892. Presented to the Legislature, 21st April. 1893. (*Printed*)

No. 62.. Return to an Address to His Honour the Lieutenant-Governor of the 12th day of April, 1893, praying that he will cause to be laid before this House a Return of the timber berths offered for sale at the sale of 13th October, 1892, and of the births then sold, including those sold by private contract after the auction sale, with the area of each berth, the price *per* square mile paid, the names of the several purchasers, the sums received on account of purchase money, the date of the payment thereof and the sums (if any) remaining unpaid on the 1st January, 1893, and shewing whether any, and if so which of the said berths had been previously sold, and when and to whom and for what price, and also for a return of a copy of the advertisement and conditions of sale, and of the Order-in-Council authorizing the sale. Presented to the Legislature, 24th April, 1893. Mr. *Whitney.* (*Printed.*)

No. 63.. Return to an Order of the House of the 4th day of April, 1892, for a Return of copies of all correspondence between the Commissioner of Crown Lands, or any officer of the Department of Crown Lands and George Paget and John Regan, or either of them, on the subject of, or with reference to an action in the High Court of Justice, Queen's Bench Division, between F. J. Jones plaintiff, and James Sharpe, Peter McDermott, George Paget and John Regan defendants, which said action was tried, or partially tried, before the Honourable Mr. Justice Rose at Hamilton, on the 2nd day of October, 1890, and settled by the parties thereto. Giving also, copies of all correspondence between the said Commissioner, or any such officer, and any other person or persons on the subject of or with reference to, the said action. Presented to the Legislature, 24th April, 1893. Mr. *Whitney.* (*Not printed.*)

No. 64.. Return to an Address to His Honour the Lieutenant-Governor of the first day of April, 1892, praying that he will cause to be laid before this House a copy of the Order-in-Council for the appointment of a Commissioner to examine into the claims of the Township of Proton in respect of the Land Improvement Fund, of the Commission used in pursuance thereof, and for a statement in detail of all expenses incurred in respect of the enquiry and report. Presented to the Legislature, 25th April, 1893. Mr. *Meredtth.* (*Not printed.*)

No. 65... Copy of an Order-in-Council adopting the first agreement of submission to the Arbitrators appointed for the settlement of the accounts between the Government of the Dominion of Canada and the Governments of the Provinces of Ontario and Quebec, and as between the said Provinces of Ontario and Quebec. Presented to the Legislature, 26th April, 1893. (*Printed.*)

No. 66.. Regulations of the Provincial Board of Health, with respect to Cholera, approved by Order-in-Council, dated 11th April, 1893. Presented to the Legislature, 26th April, 1893. (*Printed.*)

No. 67.. Copy of an Order-in-Council approving of the Regulations respecting the sources of supply and the place of storage of Ice intended for domestic use or cooling purposes, adopted by the Provincial Board of Health. Presented to the Legislature, 26th April, 1893. (*Printed.*)

No. 68.. Return in part, to an Order of the House of the eleventh day of April, 1892, for a Return shewing by Townships the amount remaining unpaid on the

31st December last on lands sold, of (1) Crown Lands, (2) Common School Lands, (3) Grammar School Lands, (4) Railway Lands, and the aggregate amount due in respect of each of the said classes of lands, distinguishing the amounts due for principal and interest respectively. Presented to the Legislature, 26th April, 1893. Mr. *Meredith.* (*Printed*)

No. 69.. Report of the Commissioners for the Queen Victoria Niagara Falls Park. Presented to the Legislature, 28th April, 1893. (*Printed.*)

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No. 70.. Report of the University of Toronto for the year 1891-92, including the Reports of the University and College Councils, together with the Bursar's statement for the year 1892. Presented to the Legislature, 17th May, 1893. (*Printed.*)

No. 71.. Return to an Order of the House of the eleventh day of April, 1892, for a Return shewing the number of bodies received by the Inspector of Anatomy, during each of the past five years from (1) Charitable Institutions (2) Criminal Institutions and (3) all other sources in the Province. Shewing also, the number of persons who have died from natural causes in each of the above named institutions during the same period, and the number of the criminal class who had spent ten years or more in prison before dying in prison, and the number of persons who during the same period have died at the hands of the executioner. Presented to the Legislature, 1st May, 1893. Mr. *Meacham.* (*Printed.*)

No. 72.. Return to an Order of the House of the ninth day of March, 1892, for a Return, shewing the estimated quantity of Pine Timber now standing upon the Crown domain of the Province and the estimated value thereof, setting the same forth as far as practicable by a description, by number or otherwise, of the berths upon which the same is standing, and where the territory has not been divided into timber berths, shewing the localities as far as practicable, and also shewing the data upon which such estimates are based, as far as practicable. Presented to the Legislature, 1st May, 1893. Mr. *Wood* (*Hastings*) (*Printed*)

No. 73.. Report of the Commission on Municipal Taxation. Presented to the Legislature, 5th May, 1893. (*Printed.*)

No. 74.. Return to an Address to His Honour the Lieutenant-Governor of the twelfth day of April, 1893, praying that he will cause to be laid before this House a Return of the names of the several purchasers of the timber berths disposed of at the sale of October, 1890, and of the sales, if any, which were not carried out, and of the amounts, if any, remaining unpaid on account of the purchase money, if any, of such of lots and of a copy of the Order in Council authorizing the sale and of the advertisement and conditions of sale Presented to the Legislature, 4th May, 1893. Mr. *Campbell* (*Algoma.*) (*Printed.*)

No. 75.. Return from the Records of the several Elections to the Legislative Assembly, in the Electoral District of the City of Toronto, of the County of Peel, and the City of Toronto, since the General Election of 1890, shewing:— (1) The number of votes polled for each candidate in each Electoral District in which there was a contest. (2) The majority whereby each successful candidate was returned. (3). The total number of votes polled in each District. (4) The number of votes remaining unpolled. (5) The

number of names on the Voters' List in each District. (6) The population of each District as shewn by the last census. Presented to the Legislature, 22nd May, 1893. (*Printed.*)

No. 76.. Report of the Ontario Game and Fish Commission. Presented to the Legislature, 11th May, 1893. (*Printed.*)

No. 77.. Return to an Order of the House of the third day of May, 1893, for a Return of copies of all correspondence between the License Inspector of North Brant, or other parties, and the License Department, of any member of the Government, in connection with the application of William T. Jenkinson for a tavern license in polling sub division No. 10, Brantford Township. Presented to the Legislature, 8th May, 1893. (Mr. *McCleary.*) (*Not printed.*)

No. 78.. Return to an Order of the House of the nineteenth day of April, 1893, for a Return shewing, separately for each County, the expenditure on colonization, Government, or County Roads and Bridges, by the Crown Lands Department, in the Counties of Victoria, Peterborough, Hastings, Addington and Frontenac during the year 1892, with the location and amount expended on each road and bridge, and giving the name of the overseer in charge, and the amount received by such overseer, for his own services out of each expenditure. Presented to the Legislature, 8th May, 1893. Mr. *Wood* (*Hastings*) (*Printed.*)

No. 79.. Return to an Order of the House of the twenty-third day of March, 1892, for a Return shewing amounts of defalcations made by the Treasurers of any of the Municipalities in the Province of Ontario during the years 1871 to 1891, both inclusive. Shewing also, the amounts any of said municipalities have lost during the same time for want of sufficient sureties being given by said Treasurers, and also shewing the number of Commissions of Enquiry into the finances of municipal corporations issued during said years under Section 383 of the Municipal Act. Presented to the Legislature, 9th May, 1893. Mr. *Balfour.* (*Printed.*)

No. 80.. Return to an order of the House of the nineteenth day of April, 1893, for a Return of copies of all correspondence in connection with an application for a new Bridge over York Branch River, between lots 20 and 21, in the Township of Carlow, in the County of Hastings, during the year 1892, and all papers or memoranda connected therewith. Presented to the Legislature, 10th May, 1893. Mr. *Wood* (*Hastings.*) (*Not printed.*)

No. 81.. Returns of all Fees and Emoluments received by the Registrars of Ontario for the year 1892, under the provisions of R.S.O. 1887. cap. 114, sec. 100, with which are contrasted receipts of the same nature in the years 1890 and 1891. Presented to the Legislature, 12th May, 1893. (*Printed.*)

No. 82.. Reports of the Poultry and Pet Stock Associations for the year 1892. Presented to the Legislature, 12th May, 1893. (*Printed.*)

No. 83.. Report of the Bee-Keepers Association for the year 1892. Presented to the Legislature, 12th May, 1891. (*Printed.*)

No. 84.. Report of the Central Farmers' Institute for the year 1892. Presented to the Legislature, 12th May, 1893. (*Printed.*)

No. 85.. Report of the Bureau of Industries for the year 1892. Presented to the Legislature, 12th May, 1893. (*Printed.*)

No. 86.. Return to an Order of the House of the fifth day of May, 1893, for a Return from the Treasurer of the Medical Council, giving a detailed statement of the sums paid to each member of the Medical Council during the past five years, for travelling expenses and hotel accommodation while attending Council and Committee meetings, and also of the details of the amount not down in the financial returns for 1890, 1891 and 1892, under the heading "Expenses of Legislation." Presented to the Legislature, 12th May, 1893. Mr. *Waters.* (*Printed.*)

No. 87.. Return to an Order of the House of the 10th day of May, 1893, for a Return shewing the number of votes polled in favor of, and against, the Scott Act By-laws when last carried in the different Counties and Cities of this Province. Also, the number of votes polled when the same Counties or Cities repealed such By-laws, and including the vote in those Counties and Cities where the By-laws, under this Act, did not pass. Presented to the Legislature, 16th May, 1893. Mr. *Gibson* (*Huron.*) (*Not printed.*)

No. 88.. Return to an Order of the House of the tenth day of May, 1893, for a Return of all convictions under the Liquor License Act in the Riding of North Ontario during the years 1891 and 1892. Also, of all moneys paid to the License Inspector for salary and expenses during said years, distinguishing the amounts paid for salary and the amounts paid for expenses. Also, of the particulars of any fines which may have been remitted during said years. Also, of the gross amounts of money received by the inspector in his official capacity during said two years, and a detailed statement of the amounts disbursed by him during the same time, shewing to whom and for what such disbursements were made. Presented to the Legislature, 16th May, 1893. Mr. *Glendinning.* (*Not printed.*)

No. 89.. Statement of the amounts loaned to the Municipalities of the Province under the Tile, Stone and Timber Act from 1st January, 1890, to 31st December, 1892. Presented to the Legislature, 19th May, 1893. (*Printed.*)

No. 90.. Report of the Secretary and Registrar of the Province for the year 1892. Presented to the Legislature, 19th May, 1893. (*Printed.*)

No. 91.. Return to an Order of the House of the fifth day of May, 1893, for a Return of copies of all correspondence between the Government and the License Commissioners of the County of Dufferin, or any other parties, concerning the resignation of the late License Inspector for the County, Mr. Anderson. Also, for copies of all correspondence between the Government and the said License Commissioners, or other parties, concerning the appointment of the present Inspector, Mr. Dodds. Presented to the Legislature, 19th May, 1893. Mr. *Barr* (*Dufferin.*) (*Not printed.*)

No. 92.. Return to an Order of the House of the twenty-fourth day of April, 1893, for a Return giving, except that already brought down, the dates of all Crown Timber Sales from 1871, as follows: The date of sale, the number and extent of the different timber berths in square miles, and the prices obtained at each such sale, *per* square mile. Presented to the Legislature, 22nd May, 1893. Mr. *Preston.* (*Printed.*)

No. 93.. Return to an Order of the House of the nineteenth day of May, 1893, for a Return shewing the number of petitions that have been presented to the House during the present Session asking for a plebiscite on the temperance question from temperance societies, churches and municipal corporations, giving the numbers from each in the order named. Also, shewing the numbers from each of the above-named bodies in favor of Provincial or other Prohibition, respectively. And the number of Petitions in favor of Bill (No. 70,) To prohibit the sale of intoxicating liquors by retail. Presented to the Legislature, 23rd May, 1893. Mr. *Field*. (*Printed.*)

REPORT

OF THE

ROYAL COMMISSION

ON

FOREST RESERVATION

AND NATIONAL PARK.

PRINTED BY ORDER OF THE LEGISLATIVE ASSEMBLY.

TORONTO:
PRINTED BY WARWICK & SONS, 68 AND 70 FRONT ST. WEST.
1893.

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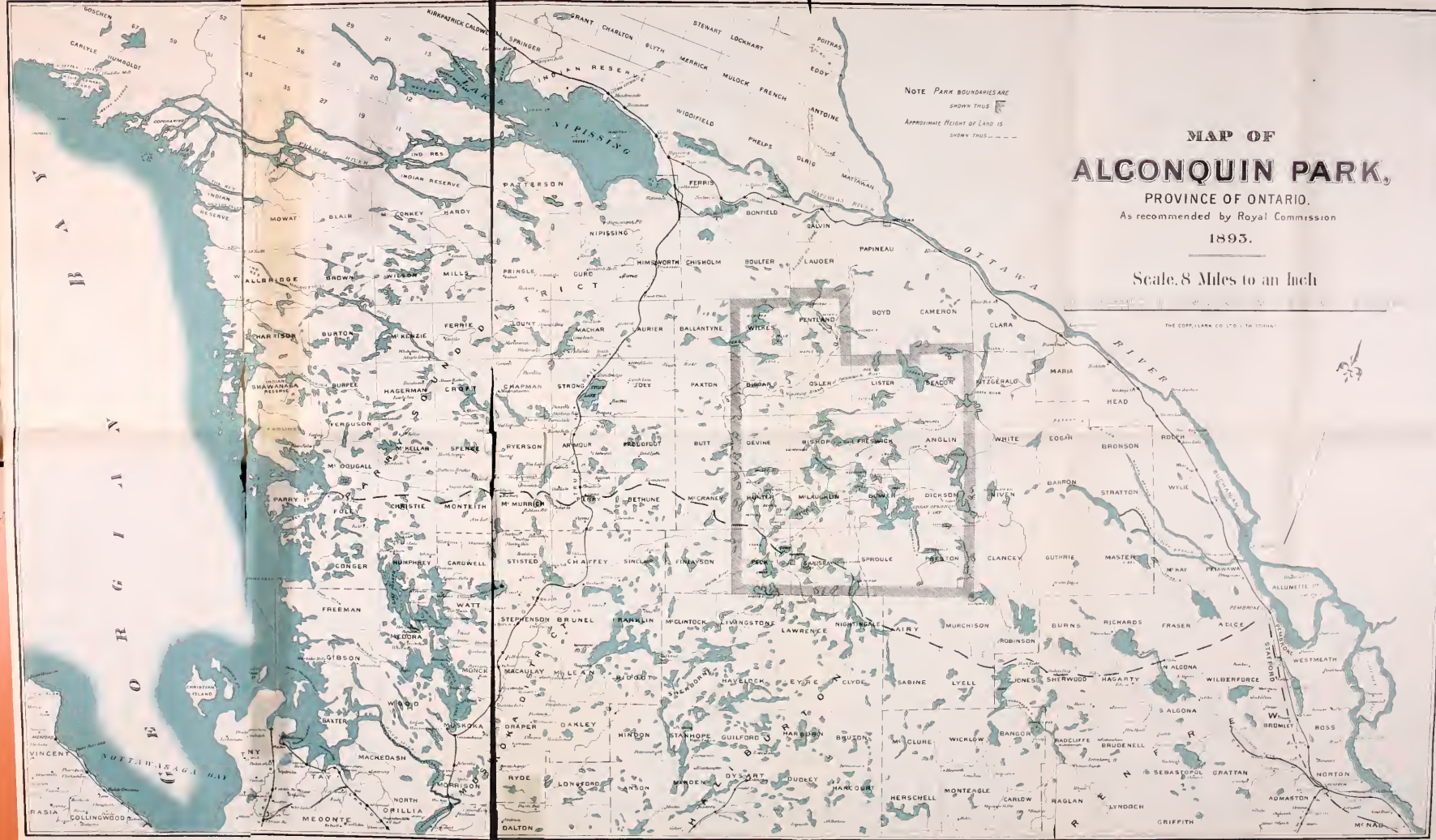
MAP OF
ALCONQUIN PARK,
PROVINCE OF ONTARIO.
As recommended by Royal Commission
1893.
Scale, 8 Miles to an Inch
NOTE PARK BOUNDARIES ARE SHOWN THUS
APPROXIMATE HEIGHT OF LAND IS SHOWN THUS
GEORGIAN BAY
NIPISSING
OTTAWA RIVER
MADAWASKA RIVER
PETAWAWA
ALGONQUIN PARK
PATTERSON
FERRIS
BONFIELD
CALVIN
PAPINEAU
LAUDER
BOULTER
CHISHOLM
HIMSWORTH
PRINGLE
GURD
MOWAT
BLAIR
CONKEY
HARDY
ALLENBRIDGE
BROWN
WILSON
MILLS
HARRISON
BURTON
McKENZIE
FERRIE
LOUNT
MACHAR
LAURIER
BALLANTYNE
WERE
PENTLAND
BOYD
CAMERON
CLARA
MARIA
HEAD
FITZGERALD
LISTER
MEADOR
OSLER
BIGGAR
PAXTON
JOEY
STRONG
CHAPMAN
CROFT
BURPEE
HAGERMAN
FERGUSON
McKELLAR
SPENCE
McDOUGALL
PARRY
FOLEY
CHRISTIE
MONTEITH
McMURRICH
PERRY
BETHUNE
McCRANEY
HUNTER
McLAUGHLIN
DOWER
DICKSON
NIVEN
BARRON
STRATTON
WYLIE
ROACH
BRONSON
EDGAR
WHITE
ANGLIN
BISHOP
PRESWICK
DEVINE
BUTT
PROUDFOOT
ARMOUR
PYERSON
CONGER
HUMPHREY
CARDWELL
STISTED
CHAFFEY
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FINLAYSON
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SPROULE
PRESTON
CLANCEY
GUTHRIE
MASTER
McKAY
ALLUMETTE
FREEMAN
WATT
MEDORA
GIBSON
MUNCK
MACAULAY
McLEAN
BUDD
STEPHENSON
BRUNEL
FRANKLIN
McCLINTOCK
LIVINGSTONE
LAWRENCE
NIGHTINGALE
AIRY
MURCHISON
ROBINSON
BURNS
RICHARDS
FRASER
ADLEE
WESTMEATH
WILBERFORCE
HAGARTY
SHERWOOD
JONES
LYELL
SABINE
CLYDE
EYRE
HAVELOCK
HARVEY
HINDON
STANHOPE
GUILFORD
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RADCLIFFE
BRUDENELL
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BROMLEY
ROSS
SEBASTOPOL
GRATTAN
NORTON
ADMASTON
McNAB
GRIFFITH
LYNDOCH
RAGLAN
CARLOW
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HERSCHELL
HARCOURT
DUDLEY
DYSART
MARDEN
ANSON
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RYDE
DALTON
OAKLEY
DRAPER
MACKEDASH
MORRISON
TAY
TINY
MEDONTE
ORILLIA
NORTH
SEVERN
MUSKOKA
WOOD
SALTER
CHRISTIAN ISLAND
VICTORIA
VINCENT
TAY
NOTTAWASAGA BAY
COLLINGWOOD
BRASIA
GRANT
CHARLTON
STEWART
LOCKHART
BLYTH
MERRICK
MULOCK
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THE COMMISSION.

[GREAT SEAL.]

A. CAMPBELL.

O. MOWAT, *Attorney-General.*

PROVINCE OF ONTARIO.
VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, etc., etc, etc.

To AUBREY WHITE, Esquire, Assistant Commissioner of Crown Lands for the Province of Ontario, ARCHIBALD BLUE, Esquire, Director of Mines for the said Province of Ontario, and ALEXANDER KIRKWOOD, Esquire, Senior Officer of the Lands Branch of the Department of Crown Lands of Ontario, all of the City of Toronto, and JAMES DICKSON, of the Village of Fenelon Falls, in the County of Victoria, Esquire, Provincial Land Surveyor and Inspector of Surveys for the Province of Ontario, Our Commissioners in this behalf, GREETING:

WHEREAS in and by chapter seventeen of the Revised Statutes of Our Province of Ontario, it is enacted that whenever the Lieutenant-Governor of Our said Province in Council deems it expedient to cause inquiry to be made into and concerning any matter connected with the good government of Our said Province, or the conduct of any part of the public business thereof, or the administration of justice therein, and such inquiry is not regulated by any special law, the Lieutenant-Governor may, by the Commission in the case, confer upon the Commissioners or persons by whom such inquiry is to be conducted, the power of summoning before them any party or witnesses and of requiring them to give evidence on oath, orally or in writing, (or on solemn affirmation if they be parties entitled to affirm in civil matters), and to produce such documents and things as such Commissioners deem requisite to the full investigation of the matters into which they are appointed to examine, and that the Commissioners shall then have the same power to enforce the attendance of such witnesses and to compel them to give evidence as is vested in any court of law in civil cases;

AND WHEREAS it has appeared to Our Lieutenant-Governor of Our Province of Ontario in Council expedient to appoint a Commission to inquire into and to make full report respecting the fitness of certain territory in Our said Province, including the head waters of the rivers Amable du Fond, Petawawa, Bonnechere, Madawaska and Muskoka, and their tributaries, having their sources in the plateau or height of land region lying between the Mattawa and Georgian Bay, with boundaries to be hereafter determined, for the purpose of a Forest Reservation and National Park; the approximate cost of establishing and maintaining and the ends to be attained by the creation of such a Park, and the system adopted in the United States or elsewhere, for the government and management of the same;

NOW KNOW YE that We, having and reposing full trust and confidence in you the said Aubrey White, in you the said Archibald Blue, in you the said Alexander Kirkwood, and in you the said James Dickson, do hereby, by and

with the advice of Our Executive Council of Our Province of Ontario, appoint you the said Aubrey White, you the said Archibald Blue you the said Alexander Kirkwood, and you the said James Dickson, to be Our Commissioners in this behalf to inquire into and to make full report respecting the fitness of certain territory in Our said Province, including the head waters of the rivers Amable du Fond, Petawawa, Bonnechere, Madawaska and Muskoka, and their tributaries, having their source in the plateau or height of land region lying between the Mattawa and Georgian Bay, with boundaries to be hereafter determined, for the purpose of a Forest Reservation and National Park; the approximate cost of establishing and maintaining, and the ends to be attained by the creation of such a park, and the system adopted in the United States, or elsewhere, for the government and management of the same, giving to you, Our said Commissioners, full power and authority to summon before you any witness or witnesses, and to require him or them to give evidence on oath, orally or in writing, (or on solemn affirmation if such witness or witnesses is or are parties entitled to affirm in civil matters), and to produce to you, Our said Commissioners, such documents and things as you may deem requisite to the full investigation of the premises, together with all and every other power and authority in the said Act mentioned and authorized to be by Us conferred on any Commissioner appointed by authority or in pursuance thereof.

And We do require you, Our said Commissioners, forthwith after the conclusion of such inquiry to make full report to Our said Lieutenant-Governor touching the said inquiry, together with all or any evidence taken by you concerning the same.

To have, hold and enjoy the said office and authority of Commissioners for and during the pleasure of Our said Lieutenant-Governor.

In Testimony whereof We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Ontario to be hereunto affixed.

Witness, the Honourable Sir Alexander Campbell, Knight Commander of Our Most Distinguished Order of St. Michael and St. George, Member of Our Privy Council for Canada, etc., etc., etc., Lieutenant-Governor of Our Province of Ontario, at Our Government House, in Our City of Toronto, in Our said Province, this eighth day of February, in the year of Our Lord one thousand eight hundred and ninety-two, and in the fifty-fifth year of Our reign.

By Command,

J. M. GIBSON,
Secretary.

A. CAMPBELL.

[GREAT SEAL.]

O. MOWAT,
Attorney-General.

Province of Ontario.
Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, etc., etc., etc.

To Robert William Phipps, of the City of Toronto, Esquire, one of Our Commissioners in this behalf, Greeting:

Whereas under the provisions of chapter seventeen of the Revised Statutes of Our Province of Ontario We did, by Our certain Letters Patent and Commission under the Great Seal of Our said Province, bearing date the eighth day of

February in the year of Our Lord one thousand eight hundred and ninety-two, appoint Aubrey White, Esquire, Assistant Commissioner of Crown Lands for the Province of Ontario, Archibald Blue, Esquire, Director of Mines for the said Province of Ontario, and Alexander Kirkwood, Esquire, Senior Officer of the Lands Branch of the Department of Crown Lands of Ontario, all of the City of Toronto, and James Dickson, of the Village of Fenelon Falls, in the County of Victoria, Esquire, Provincial Land Surveyor and Inspector of Surveys for the Province of Ontario, to be Our Commissioners to inquire into and to make full report respecting the fitness of certain territory in Our said Province, including the head waters of the rivers Amable du Fond, Petawawa, Bonnechere, Madawaska and Muskoka, and their tributaries, having their sources in the plateau or height of land region lying between the Mattawa and Georgian Bay, with boundaries to be hereafter determined, for the purpose of a Forest Reservation and National Park, the approximate cost of establishing and maintaining, and the ends to be attained by the creation of such a Park, and the system adopted in the United States or elsewhere for the government and management of the same;

AND WHEREAS the Lieutenant-Governor of Our said Province in Council deems it expedient that you, the said Robert William Phipps, should be associated with the said Commissioners in the said inquiry;

NOW THEREFORE know you that We, having and reposing full trust and confidence in you the said Robert William Phipps, have constituted and appointed and by these presents do constitute and appoint you the said Robert William Phipps, to be a Commissioner for the purposes in Our said Commission contained and recited, and do associate you the said Robert William Phipps for that purpose with the said Aubrey White, Archibald Blue, Alexander Kirkwood and James Dickson, hereby fully and effectually giving and granting unto you the said Robert William Phipps all and every the like powers given and granted by Our said Commission to the Commissioners therein named, and to all intents and purposes as if the said powers and authorities were herein and hereby particularly mentioned and expressed, and as if you the said Robert William Phipps had been appointed by the said original Letters Patent and Commission.

AND We do command the said Aubrey White, Archibald Blue, Alexander Kirkwood and James Dickson to receive you the said Robert William Phipps as their associate.

IN TESTIMONY whereof We have caused these Our Letters to be made Patent and the Great Seal of Our said Province of Ontario to be hereunto affixed.

WITNESS, the Honourable Sir Alexander Campbell, Knight Commander of Our Most distinguished Order of St. Michael and St. George, Member of Our Privy Council for Canada, etc., etc., etc., Lieutenant-Governor of Our Province of Ontario, at Our Government House, in Our City of Toronto, in Our said Province, this second day of March, in the year of Our Lord one thousand eight hundred and ninety-two, and in the fifty-fifth year of Our reign.

By Command,

J. M. GIBSON,
Secretary.

Mr. Thos. W. Gibson, of the Bureau of Mines, acted by appointment in the capacity of secretary to the Commissioners.

REPORT OF THE COMMISSIONERS.

To the Honourable George Airey Kirkpatrick,
Lieutenant-Governor of the Province of Ontario.

The commissioners appointed by your predecessor in office to inquire into and make report respecting the setting apart of certain territory situated in the district of Nipissing, for the purpose of a Forest Reservation and National Park beg to submit their report herewith.

The first meeting of the commissioners was held on Friday, the 4th day of November, 1892, for organization and discussion of the methods to be employed in the discharge of their duties. Mr. Kirkwood was elected chairman. A further meeting was held on Friday, the 3rd day of January, 1893, at which this report was considered and adopted.

In conjunction with the Honourable the Commissioner of Crown Lands, within whose department the matters referred to them more particularly fell, and who manifested a warm interest in the subject, the commissioners endeavored to procure all available information as to the public advantages which might be expected to accrue from reserving a portion of the ungranted Crown domain to be set apart as a Forest Reservation and National Park, and the suitability of the tract of land suggested in the commission for such a purpose.

Importance of Forest Protection.

Without entering into the general subject of forestry, or the system or systems by which the forest wealth of this Province may be best conserved and utilized, the commissioners found that forest preservation and protection is in almost every civilized country one of the most pressing and vital of economic questions. It touches the welfare of the people at many points. The experience of older countries has everywhere shown that the wholesale and indiscriminate slaughter of forests brings a host of evils in its train. Wide tracts are converted from fertile plains into arid deserts, springs and streams are dried up, and the rainfall, instead of percolating gently through the forest floor and finding its way by easy stages through brook and river to the lower levels, now descends the valleys in hurrying torrents, carrying all before its tempestuous flood. In some places, where the country is mountainous and the soil friable and easily disintegrated, the whole surface, deprived of its forest covering, is torn up and swept away year after year by these recurring floods, until the mischief wrought within the memory of man may be compared in extent to the denudation brought about by geologic forces in long ages of time.

The influence of forests upon climate is almost always beneficial, as they tend to promote its humidity and exert a tempering effect upon injurious winds; consequently the destruction of a large portion of the forest growth of a country is generally attended by a deterioration in its climate. Again, an ample supply of wood is a prime necessity in the arts; indeed it is difficult to see what substitute could be provided for it in many of the manufacturing and other purposes for which it is now used. The reckless removal of the forests, such as that which has characterized the greater portion of wooded America, including our own country, may for a limited time provide such a supply in prodigal profusion, but the waste of one generation must be atoned for by the enforced economy of the next. To obtain from a forest the largest amount of product which it is capable of yielding without at the same time trenching upon its capacity, calls for careful and scientific management, such as has hitherto been but little practised on this side of the Atlantic.

Considerations of this kind, while perhaps not falling in their entirety within the scope of the commissioners' inquiry, are nevertheless closely connected with the proposal to establish in our Province a Forest Reservation.

Experience in other lands, as set out in official reports and the many other volumes which an increasing interest in the subject of forestry has called forth, is overwhelmingly in favor of the establishment of such a Reservation as is here proposed, and in the succeeding pages the manifold advantages to be derived therefrom are shortly set out.

Location of the Proposed Park.

The territory which, in the opinion of the commissioners, is suited for the purposes of a Forest Reservation and National Park is a compact tract of land in the district of Nipissing, south of the Mattawa river and lying between the Ottawa river and Georgian bay, as shown on the map accompanying this report. It is almost a parallelogram in shape consisting as it does of four tiers of four townships each, with two townships on the northwest corner, its greatest depth being from north to south. The townships comprised in this tract are the following:—Peck, Hunter, Devine, Biggar, Wilkes, Canisbay, McLaughlin, Bishop, Osler, Pentland, Sproule, Bower, Freswick, Lister, Preston, Dickson, Anglin and Deacon, eighteen in all. Of these all have been surveyed and subdivided into concessions and lots except Sproule and Preston. Their united area is 938,186 acres, of which 831,793 acres is land and 106,393 acres is water, or 1,300 square miles of the former and 166 square miles of the latter.

The western boundary of this tract has a mean distance of about nine miles from the eastern boundary of Parry Sound district, while on the east at the northeast angle of the township of Deacon it approaches to within about twelve miles of the Ottawa river. As the course of the river, however, is southeasterly,

while the boundary of the Park is almost due north and south, the distance from the confines of the Park to the river rapidly increases as the southern limit of the latter is reached. The average length from north to south of the Reservation is about 40 miles, and its breadth from east to west 36 miles.

Deux Rivieres on the Ottawa, some twelve miles distant from its northern limit, is the nearest settlement of any importance, the population in the townships lying between the eastern boundary and the Ottawa, through which the line of the Canadian Pacific Railway Company runs, being very sparse. Otherwise, for considerable distances on all sides of the Park, north, south, east and west, there is almost no settlement at all, though a few hardy pioneers have pushed far up the Hastings and Opeongo roads, whose northern extremities approach the southern confines of the proposed Reserve.

The Timber of the Park.

This tract forms part of the great forest which once covered the whole of Ontario, and which in this part of the Province consisted of a variety of trees, including the white and red pine, hemlock, tamarack, balsam, cedar, birch, maple, beech, ironwood, ash and basswood. Forest fires and the operations of lumbermen have greatly diminished the quantity of pine, but extensive areas are still well-stocked with this valuable timber, and for many years may be expected to send large quantities of it to market.

The hardwood trees grow in great abundance, and are found in groves or intermingled with the pine. It is the home of the black birch, perhaps the prevailing deciduous tree, which in places combines magnificent proportions with perfect soundness. Next in point of numbers comes the maple, which also attains to great size and beauty, and when touched with the frosts of autumn throws out its crimson banners in vain defiance of the coming storms.

Hemlock is common, the tough ironwood is well represented, and smaller quantities of beech, and in moister spots black ash and basswood, are met with.

The cedar found on the western side of the proposed Reserve is represented as being small and of little value, but on descending the Madawaska and Petawawa it is found to increase in quantity and to improve in size and quality. Small spruce and tamarack abound in the swamps, and there is a dense undergrowth of balsam, hazel and ground hemlock in all parts, with alder along the creek beds and in the marshes.

The burned portions, or brulés, which are confined mainly to three or four townships, are invariably covered with a second growth of poplar, white birch, cherry, young maple and pine, all striving for the mastery, the chances being of course in favor of the softer and more rapidly-growing varieties. As in other parts of America, it is found that a pine forest when burned does not reproduce

itself after its own kind, but is succeeded by other and less valuable trees whose seeds appear to be present in the soil awaiting only a favorable opportunity of development.

A Region of Rock, Forest and Water.

As for the land itself, it is in general of little value for agricultural purposes, being, as might be expected from its situation on a watershed, for the greater part rough, broken and stony. There are few high hills, the surface being mostly composed of rocky ridges, alternating with valleys, swamps and marshes.

The rough ribs of the Laurentian formation everywhere protrude, and in granite or gneiss dip at all angles to the southeast, the strike of the strata being northeast by southwest. No limestone, so far as is known, occurs, and the indications of mineral hitherto met with are few, comprising principally traces of iron ore.

There are patches of soil here and there fit for cultivation, but they exist at considerable distances from each other, and are so isolated by great stretches of poorer land that the want of neighbors, of roads, and the distance from market preclude the idea of prosperous settlement so far as that depends upon the existtence of sufficient quantities of arable land. Where found at all, such land is chiefly a light sandy or loamy soil, and is more or less stony. There is probably not more than enough in any one block to form a school section of ordinary size and from the best available data the conclusion would seem to be warranted that not more than fifteen or twenty per cent. of the whole area could under any circumstances ever be brought under cultivation.

This tract of land contains within its boundaries an immense volume of water in lake and river, brook, pond and marsh. The spring and autumn rains and the heavy snows of winter keep the fountain heads of the important streams rising here continually replenished, the density of the forest retarding evaporation, and the spongy layer of leaves and decaying vegetation which covers the ground tending to maintain an equable flow throughout the year.

A Natural Game Preserve.

A region so wooded and watered, and so remote from civilization, cannot but be the home of a vast variety of birds, game and fur-bearing animals and fish.

Here not many years ago the moose, the monarch of Canadian woods, roamed and browsed in large numbers, the leaves and tender branches of the young trees supplying him with his favorite diet;* here herds of red deer grazed in the open meadows or quenched their thirst at the brooks or crystal lakes; here the industrious beaver felled his trees and built his dams on every stream; here the wolf's

* It is worthy of note that the first appearance of the moose in this part of Ontario, at any rate during recent times, was about the year 1870, when they are supposed to have crossed over from the Quebec side of the Ottawa river. Indians born in this district had never seen a moose until that time, and did not know what kind of animal it was when they first encountered it in the woods. They speedily became numerous after their arrival.

detested howl startled the deer, and the bear pushed his black bulk through the undergrowth in search of ripe nuts or berries. Here in fact may be said to have been the centre from which the moose, deer and other animals spread out to all sections of the Province south of the Mattawa river and lake Nipissing, the great distance from settlement and the unbroken wilderness affording them a greater degree of shelter than was found anywhere else.

Of these, deer are still plentiful, but the increasing rigor with which they have of late years been hunted in and out of season is fast depleting their numbers; the same cause has bid fair to place the moose among the extinct animals of Ontario; while the beaver has been hunted and trapped so mercilessly that now single specimens are seen only at long intervals. Wolves and bears are quite common, and mink, otter, fisher, martin and muskrat are numerous.

The woods are well-stocked with partridge, but there are few ducks.

The principal fish found in the Muskoka waters is the trout, all the fresh-water varieties of which are to be had there in great abundance. In the Petawawa and Madawaska rivers in addition to trout, chub, cat-fish and pike are found also eels, the latter varieties increasing in number as we descend the streams. Herring and white-fish are plentiful in Great Opeongo, Shirley and McDougal lakes.

The Park may be approached from any one of its four sides, on the west by way of the Muskoka river, on the north by a road which leads from Deux Rivieres on the Canadian Pacific Railway to the Petawawa waters, and also by a lumbering road from Mattawa, on the east by the Madawaska, and on the south by way of Haliburton. The projected line of the Ottawa, Arnprior and Parry Sound Colonization Railway Company passes through the southwestern corner of the tract, traversing portions of Sproule, Canisbay, Peck and Hunter.

Water Systems of the Park.

The following description will give some idea of the various water systems in the proposed Reservation, it being premised that only the principal lakes and rivers are mentioned, and that there are connected with these hundreds of other smaller streams and bodies of water which it would be tedious to enumerate.

THE MUSKOKA BASIN.

Ascending that branch of the Muskoka called the North river we enter the Park at the west boundary of the township of Peck, an eighth of a mile south of the line between the fourth and fifth concessions, the stream here having an average width of between one and two chains. Three miles farther up is Tea lake, the first above Ox Tongue lake in the township of McClintock. At its east end it receives the waters of Smoke and Ragged lakes by a large brook about a mile long. Half a mile to the north of this the main river enters from

Canoe lake, one and a half miles farther up. About half a mile south of Canoe lake is Smoke lake, which extends in a southerly direction for three hundred chains. At its south end it receives the waters of Ragged lake, another large, and as its name implies, irregularly shaped sheet of water, which extends in a westerly direction along the south boundary of Peck, with a small portion in the adjacent township of Livingstone.

Canoe lake lies in a north and south direction and has a length of two and one-half miles. At its head the river has become reduced to less than one-third its size below the lake. Half a mile farther up it receives by a stream about its own size the waters of Potter's lake in the township of Hunter, which drains the southwest quarter of that township. One and a half miles above Canoe lake we enter Joe lake, lying partly in Peck and partly in Hunter. At the north side and west end it receives the waters of another chain of small lakes which drain the southeast quarter of Hunter. A few chains east of Joe lake is Little Joe lake, about half a mile in length. East of this the river is reduced to a creek, barely navigable for small canoes for a mile farther, when it has to be abandoned and we reach Island lake by three short portages and two small ponds, through which the creek flows.

We are now at the source of the Muskoka river, and at an elevation of 1,405 feet above the level of the sea.

Island lake is a beautiful sheet of water extending in an easterly direction five miles. Half way up its south shore it receives the waters of Linda's lake, about two miles to the south in the township of Canisbay. Besides this it receives only the waters of three or four small creeks, and as there is more water flowing out of it than their united volume will supply, to say nothing of the quantity carried off by evaporation, it must be kept up by springs within its own bed. Island lake is nearly all in the township of McLaughlin.

A fifteen minutes' walk across a portage from its northeast shore will bring us to Little Otter Slide lake, a tributary of the Petewawa, one and a half miles from the east shore of which lie the head waters of one of the branches of the Madawaska. Little Otter Slide lake also lies 1,405 feet above sea level.

THE MADAWASKA BASIN.

Lake of Two Rivers, near the east side of Canisbay, seems like a huge reservoir placed there by nature for the purpose of collecting the waters of the brooks, creeks and lakes which are spread out like a piece of net-work all around it, extending to the north into the townships of McLaughlin and Bower, and to the west and south into Peck and Lawrence. This lake may very properly be styled the head of the Madawaska, for at its outlet this stream first assumes the dimensions of a river. The most westerly water of the Madawaska is Source lake, which lies on the boundary between the townships of Canisbay and Peck.

It is another lovely sheet of water, about two miles long, lying in an east and west direction, and like Island lake must be kept up by springs within its own bed. Its west end is only a short five minutes' walk from the head of a creek which flows into Smoke lake on the Muskoka. This branch of the Madawaska flows in a southeasterly direction from lake of Two Rivers into Whitefish lake and leaves the proposed Park near the southwest corner of Sproule.

Fool's lake in the township of McLaughlin is the head of the Opeongo branch of the Madawaska ; from Hailstorm lake, a little farther north, it is called Black creek. Its course from Hailstorm to the Opeongo is through a spruce and tamarack swamp, and is navigable for canoes for its whole length during the early summer and in the east half all the season. It enters the Great Opeongo at the line between lots 15 and 16 in the seventh concession of Bower.

Great Opeongo lake is the largest and most important sheet of water in that section of country. It lies in four townships, viz: Bower, Dickson, Preston and Sproule, about two-thirds of the lake being in Bower. It may be said to consist of three parts ; the northwest bay is connected with that to the south by a narrows twenty chains wide, which is crossed by the line between concessions four and five of Bower. A short distance south of the narrows is a group of small picturesque islands. The south bay extends for about three miles into the township of Sproule, a large creek emptying into its south end. In this bay there is another group of islands. On lot 28 in the second concession of Bower there is another narrows about ten chains long and less than one chain wide, connecting it with the east or largest bay. On the peninsula north of this narrows Messrs. Fraser have a large lumber depot. Here also there is an old Indian cemetery, and it was no doubt at one time a place of great resort by the aborigines. In this bay there are one large and several small islands. All the islands and many parts of the shore of the lake are literally blue with huckleberries in their season.

Paddling east from the depot for five miles, on nearing what seems to be the foot of the lake, we find still another short narrows on our right, and another wide bay stretching south for upwards of two miles into the township of Preston. At the extreme south end of this bay is the outlet of the lake, and as a matter of course a lumberman's dam.

Great Opeongo lake is on the Madawaska chain of waters, and the stream by which it discharges into that river is known by the name of Opeongo creek. This flows in a southerly direction between four and five miles, and empties into McDougal lake. It is nearly all a rapid, but by a little wading and towing is navigable for canoes at a medium pitch of water. This stretch is known locally as the "five mile." There is a wagon road from McDougal lake along the east side of the river to the dam, where it crosses the stream, and passes thence round the south side of the Opeongo to Fraser's depot. McDougal lake extends

first in an easterly direction for one and a half miles; we then pass southerly through a narrows ten chains wide and find the lake stretching a mile to the southwest where McCarty's creek, the outlet of a group of small lakes, empties in through a long marsh. Skirting the east shore for another mile we again turn east and in another half-mile make the outlet. Half a mile farther on is a dam and short portage, and a mile to the east is another short rapid. Thence to the east boundary of the Reservation the stream has no obstructions, and flows through Farm lake and the south end of Crotch lake, and crosses the west boundary of the township of Clancy, concession four, in Shallow lake. A few miles farther east it expands into Victoria lake, the west bay of which extends a short distance into our Park in the southeast corner of Preston.

A road starts from a point on the Opeongo line east of the junction of the Opeongo creek with the Madawaska river, and keeping the east side of the river and round the north side of Victoria lake crosses the stream about half way between Victoria and Shallow lakes, thence running westerly to the lumber depot of J. R. Booth, three-fourths of a mile southeast of the dam below McDougal lake. This road furnishes an all-land route into the Reservation from the east.

Half a mile west of the east boundary a road runs from the end of Crotch ake half a mile south to the east end of Oram's lake, which extends a mile in a southwest direction. One and a quarter miles south from here is Fish lake which, although only about forty chains long by fifteen at its widest part, is said to be literally teeming with speckled trout. Oram's lake is also well stocked with trout.

Crotch lake lies nearly due north and south, and is a little over one and a half miles long. At its north end it receives the waters of Shirley lake by a stream thirty chains long. This is another sheet of clear water with an area about equal to that of McDougal lake. It has an extreme length of some four miles, and lies northwest and southeast. At its north end it receives through a large creek the waters of Island lake which lies on the south boundary of the township of Dickson.

THE PETAWAWA BASIN.

The creeks and brooklets which are the source of the Petewawa have their head in the townships of McCraney, Butt and Hunter, and are gathered together and first assume the character of a river in Misty lake on the north boundary of the latter township. Thence the course of the river is easterly into and across the northwest corner of McLaughlin into White Trout lake, which also receives at its south end the waters of the two Otter Slide lakes. White Trout lake lies at an elevation of 1,336 feet above the sea, and empties to the north into Long lake, which receives from the west within a distance of two miles two large brooks that have their rise in the township of Devine, draining nearly all that township and also the west part of Bishop. Thence the river flows, still

northerly, through Red Pine and Brulé (or Burnt) lakes, the latter being 1,320 feet above the sea. Between the dam at the foot of White Trout lake in lot 20, concession 5 of Bishop and the foot of Brulé lake in Osler there are no obstructions to canoe navigation, but at the outlet of Brulé lake there is a short portage, after which the stream widens into a narrow lake till about lot six in the first concession of Lister, when it narrows into a turbulent stream known as the Snow-shoe rapids which extends easterly into lot 11, where it expands into Catfish lake, 1,290 feet above sea level. The area of this lake is about two thousand acres, and it is very irregular in shape. At its outlet in lot 21, concesssion 6 of Lister, there is a short pitch of only a few feet, when it again assumes the form of a lake for a distance of one and a half miles, with an average width of ten chains. Here what is called the Five-mile rapid begins which reaches, with a few short intervals of smooth water, to Cedar lake, entering it on lot 36, concession 9, Lister.

Three-fourths of a mile northwest of this point the Little Nipissing, sometimes called the Nipissing branch, enters the lake through a large marsh. Ascending this stream for one mile we make the foot of the three-mile portage, above which it has an average width of between one and two chains for upwards of thirty miles. There are no lakes on it, but it is fed by numerous large creeks which have their source in lakes and ponds. For a great part of its course it flows through swamps and marshes, where it is very tortuous, deep and sluggish. The water is very dark, but it has the reputation of being one of the best trout streams in this section. This locality is a great resort of both moose and red deer, and wolves are also numerous. The river crosses the west boundary of Lister and enters Osler near the south side of the ninth concession. It maintains a southwest course across Osler, and enters Biggar near the north side of the fifth concession. In this township its course is near the line between concessions five and six up to side-line ten and eleven, where it bends to the south and crosses the south boundary at the line between lots 9 and 10; thence it proceeds westerly along and near the boundary of lot four, where it finally leaves the township, and after passing through the northwest corner of Devine has its source in the township of Butt. This stream is navigable for canoes for nearly its whole length, There are of course numerous chutes and rapids, at nearly all of which it is necessary to make a portage, but with the exception of the first none of them are either long or difficult.

Cedar lake is probably the second in importance in the Reservation. The west end of it is in the township of Boyd, Cauchon lake, a large body of water lying a few miles to the west. Dog lake in the township of Lister empties into Cauchon lake. Their united waters form a large brook which empties into the head of Cedar lake. A short distance below the head it receives the waters of Gilmour lake, also in Boyd. Through these streams it drains the whole of this

township. It then passes through the northeast corner of Lister and enters the township of Deacon. A short distance west of the boundary between these two townships and almost directly north of the mouth of the Little Nipissing the lumbor depot of Messrs. Thistle & Co. is situated. From the depot there is a waggon road to Deux Rivieres on the Ottawa, twenty-four miles distant, which affords an easy means of access from the north.

Fully two-thirds of Cedar lake is in Deacon. It has an elevation of 1,049 feet above the sea, and its total length is very little short of twelve miles. The principal outlet is in lot 12 of the eighth concession of Deacon, where there is a large substantial dam and slide. It has another but smaller outlet known as the "sny" (chenaille) on lot 26 of the ninth concession. The "sny" empties into the main stream on lot 18 in the seventh concession. A large flood of water must pass through this channel during the spring freshet. The Petawawa is very rough for the first half mile below Cedar lake, after which there are stretches of smooth water alternating with chutes down to lot 24 in the fifth concession, where the river expands into a narrow lake, after which it contracts to a little over a chain in width and enters Trout lake on lot 30 in the third concession.

Trout lake lies 929 feet above sea level, and is a beautiful sheet of water a little over two and one-half miles long by one mile at its greatest width. About half a mile southeast of the foot of the lake the river crosses the east boundary of Deacon and leaves the Reservation.

The Little Madawaska ("hidden river") empties into the northwest bay of Trout lake. This stream is the outlet of lake Le Muir and Hogan lake. North river enters the lake at the head of a deep bay near the western end. This stream is the outlet of North River lake in the northwest part of Deacon. Part of the township of Cameron is drained by a stream which empties into this lake. North river flows through two large lakes, Allan and Depot, in the township of Fitzgerald, which unite with and conduct the waters of Wendigo lake in the township of Clara. These lakes together contain a large body of water and drain a considerable portion of Fitzgerald.

Following a portage for three-fourths of a mile east of Red Pine lake we arrive at the head of lake Le Muir, a sheet of water nearly five miles long, lying one-half in the township of Bishop and one-half in the township of Freswick. This lake is the head of the Little Madawaska river. It has no water flowing into it except two or three very small creeks, but a brook fifty links wide runs out of its east end, so that its bed must cover a number of springs. One and a half miles below lake Le Muir lies Hogan lake, sometimes called Big lake, which extends in a northeasterly direction and has a length of five miles. Three miles down the stream lies Phillips' lake, in the township of Anglin, one and a quarter miles long. The stream crosses the north boundary of Anglin on lot 26, emptying shortly afterwards into Trout lake on the Petawawa river.

Proulx lake in the township of Bower, which is within three-fourths of a mile of the Opeongo, forms with Rock lake one and a half miles farther to the west the headwaters of Crow creek, which runs northwesterly into Crow lake in the township of Freswick, and thence easterly through the township of Anglin into lake Lavieille. A few miles to the northeast it unites with White Partridge creek, the outlet of White Partridge lake in the township of Niven, and thence takes a northerly direction into the Petawawa at Black bay in the township of White.

Lake Lavieille is a large and important body of water. It lies mostly in the township of Anglin, and has two large bays extending southerly into Dickson. Immediately north of the most easterly bay and emptying into it is Clear lake, extending in a southerly direction, with an estimated length of something over five miles.

THE AMABLE DU FOND BASIN.

The south branch of the Amable du Fond* rises in the township of Biggar, a short distance north of the Little Nipissing, and nearly one-half of the township is drained by that stream.

It passes through Long lake, which lies partly in Biggar and partly in Wilkes, and falls successively into Tea, Manitou and Kioshoqui lakes—a delightful chain of waters—of which the first two are in Wilkes and the last in Pentland. These are reinforced by the waters of other lakes and creeks to the west, and also by another branch of the Amable du Fond which flows through the northwest part of Osler, through Maple lake in Pentland, and falls into Kioshoqui lake. The latter near its foot receives also the waters of Mink lake, a somewhat long and narrow sheet which is separated from the upper part of Cauchon lake, one of the sources of the Petawawa, by a distance of less than a mile.

HEADWATERS OF SOUTH RIVER.

Two small streams which rise in the western part of the township of Biggar unite shortly after they leave that township, and may be considered the headwaters of the South River which flows northerly and empties into the South bay of lake Nipissing.

THE TRACT A SUITABLE ONE.

With regard to the fitness of the territory for the purpose of a Reservation and Park, the commissioners have conversed with persons who are familiar with the locality, have consulted the maps and surveyors' and other reports in the Department of Crown Lands, as well as other official documents, and have pursued their inquiry by such other means as were within their power. Except the lumberman and the trapper, there are few who are personally acquainted

* So called from the founder of a family of French half-breeds, Amable du Fond by name, who settled at the foot of Manitou lake many years ago, where his descendants still reside.

with this section of country. Two of the commissioners, however, Mr. Dickson and Mr. Phipps, are able to speak of it from their own knowledge, the former especially having in previous years travelled over and reported on a large portion of it, and having recently examined other parts of it for the purpose of this report. The information obtained from these various sources points wholly to the conclusion that the district is in every way suitable for the purposes alike of a Forest Reservation and National Park.

It comprises within its limits a large part of the watershed which divides the streams flowing into the Ottawa river from those which empty into Georgian bay, and the preservation of the forest upon this elevated tract of land is essential to the maintenance of these important streams in full flow. The interests of the lumberman who annually floats large quantities of timber to market down their waters, of the manufacturer for whose mill-wheels they supply the motive power, and of the farmer to whom a continuous supply of water in spring, well and stream, is an absolute necessity, all require that provision be made to keep the hills and high lands of this plateau covered with a heavy forest growth

The district is one which has never been opened for settlement, and which, both from its remoteness from population and from its containing only small and scattered areas of tillable soil, is not one to attract even the hardy Canadian backwoodsman, especially when ungranted lands in so many other more accessible and more fertile parts of the Province are at his disposal. Its retention in the hands of the Crown will not appreciably lessen the agricultural area of the Province, while if extensive clearings were allowed to be made, ostensibly for farming purposes, the consequence would be that the district for forest purposes would be rendered useless, and possessing little or no value from an agricultural point of view it would soon be converted into a dreary and abandoned waste.

Rights of Timber Licensees.

It is true that the whole of the territory within the proposed Reservation is covered by licenses to cut timber. The rights of the holders of such licenses must of course be fully respected, and there is nothing in the scheme proposed which in the opinion of the commissioners will infringe upon these rights. Part of the territory in question was included in the timber sale of 1892, which conveyed the right to cut the pine timber only, and while as to other portions of the district licensees are not at present prohibited from cutting other kinds of timber, as a matter of fact the chief if not the only object of the lumberman's quest is the pine, which is the only timber found within the Park possessing any considerable commercial value, or which can be floated to market in the usual way. Though the money value of these forests consists almost entirely in the pine, the other species of trees are so numerous and grow so thriftily there that

even were the pine wholly removed the utility of the forests in their climatic, water-maintaining and other aspects would probably not be impaired. In one respect, indeed—the preservation of game and animal life—it is the opinion of those conversant with the circumstances, that a growth of the smaller deciduous trees, such as usually takes the place of the coniferous varieties when the latter are removed, would be preferable to a pine forest, in affording a larger supply of edible buds which form the staple food of many birds, such as the partridge, and of leaves and bark, the favorite sustenance of such animals as the moose and beaver.

The system of fire-ranging inaugurated by the Department of Crown Lands some years ago has shown the value of concerted and organized effort in the prevention of forest fires, the cause of such frequent and heavy loss, and the limit-holders within the Park will no doubt welcome the additional aid which the Park rangers will afford them in the protection of the timber. The prohibition of settlement will also be in keeping with the lumbermen's views, as the presence of squatters and others in a pine district is, as a rule, regarded by them as a fruitful source of trouble and danger.

As indicative of the attitude which license-holders may be expected to take, the commissioners may say that they have received a letter from Messrs. McLachlin Bros., lumbermen, of Arnprior, who are owners of extensive timber limits in the vicinity of the proposed Reservation, and who have requested that the boundaries of the Park be so arranged as to take in a number of townships, over some of which they hold the right to cut. Several of these townships do not appear to the commissioners to be so conveniently situated for the purposes of a Reservation and Park as those they recommend, but of the nine townships suggested by Messrs. McLachlin Bros. two are included within the proposed boundaries. This firm furnished a report to the commissioners on the townships named by them made by Mr. Frank Purvis, O.L.S., in which that gentleman says: "Taking it altogether, it seems to me that nature intended that particular portion of our fair Province of Ontario to be the home of the beaver, otter, deer, moose, bear and of the aborigines. Deer upon every hill and mountain side, the valleys and swamps abounding with wolves and bears, every rivulet, every lake, literally teeming with fish. Verily 'tis a Park indeed." Mr. Purvis' description is no doubt equally applicable to the whole of the territory which the commissioners suggest as suitable for Reservation and Park purposes.

No Vested Interests in the Way.

The wisdom of the policy by which the Crown while disposing of the timber retains the ownership of the soil upon which it grows is made strikingly manifest when considering the question in hand. The land belongs wholly to the Crown, and as a consequence there are no vested or private interests in it to be bought up or dealt with.

In the opinion of the commissioners more advantageous circumstances under which to take action of the kind contemplated could not exist. The land is entirely public land; there are no settlers upon it, except one or two squatters; no rights, whether of fishing, hunting, or anything of the kind, have been granted; in fact, with the exception of the lumbering operations which have removed a large portion of the pine, and the fires which have swept over considerable parts of it, nothing has been done to change its condition from that of the untouched, primeval forest. Should action be longer delayed, irreparable damage may be done by forest fires, or the extension of settlement may root within the soil a host of vested interests troublesome to deal with and costly to extinguish.

THE CASE OF THE ADIRONDACK FOREST.

The experience of the State of New York shows the great difficulty there is in setting aside a portion of the public domain for such purposes when large and scattered areas have become the property of private individuals. It is impossible to satisfactorily carry out a scheme of this kind unless a continuous area can be brought under its provisions, and when persons or corporations own lands or rights within such area they must either be bought out at prices which they are in a position to dictate, or the scheme must be modified in a way that can hardly fail to greatly reduce its advantages to the public. Out of a total area of 2,307,760 acres which it was proposed to comprise within the boundaries of the Adirondack Park in that State, the Forest Commission in their report for 1890 gave the area of the lands belonging to the State as 512,229 acres only, while they said that it would be necessary for the State to acquire the title to no less than 1,332,503 acres, the cost of which they estimated at from $3,000,000 to $3,500,000. Even then the Park would not be completely a public one, for there would be still within its boundaries 64,717 acres of improved land and 341,207 acres held as "private reserves." The difficulties attending the establishment of a Park under such conditions have proven so great that in his message transmitted to the Legislature on the 3rd of January, 1893, Governor Flower stated that the results, after nearly seven years' effort to establish an Adirondack Park, must be considered disappointing, and he recommended either that two or three million acres be acquired at once by exercise of the right of eminent domain, or that arrangements be made with private owners by which, in consideration of forest protection and exemption from taxation, they should refrain forever from removing the timber except on certain conditions imposed by the State.

It is evident that in the former case the expenditure of very large sums of money would be necessary, while in the latter the Park when established would lose very much of its public character. So imperative, however, does Governor Flower deem the preservation of the Adirondack forest and the consequent

protection of its water courses that he urges upon the Legislature the necessity of taking action without delay, as each year's devastation of forest land is making more difficult the attainment of the State's object.

No such obstacles stand in the way of the creation of the proposed Park in Ontario at the present time, but if the project be delayed the future may bring with it just such complications as those existing in New York. The way is clear now, and now would seem the time to act.

Ends to be Attained by the Reservation

In their consideration of the ends to be attained by the establishment of the Reservation and Park the commissioners have enumerated six, which will be found numbered below, with remarks on each tending to explain their necessity and the results which may reasonably be expected to follow their adoption:

Maintenance of Water Supply.

1. The preservation of the streams, lakes and water-courses in the Park, and especially of the head waters of those rivers which have their sources therein, viz:

The South river, flowing northerly into Lake Nipissing;

The east branch of the north branch and the north branch of the south branch of the Muskoka river, which empties into Georgian bay;

The Madawaska and Petawawa rivers, flowing southeasterly into the Ottawa;

The little Nipissing, a branch of the Petawawa;

The Amable du Fond, flowing northerly into the Mattawa, a tributary of the Ottawa;

And several other and smaller streams which flow into one or other of these rivers.

There is probably not to be found elsewhere within the Province a tract of country which in the same limited space gives rise to so many important streams, and it is a fortunate circumstance that this tract exists not only in a state practically unimpaired so far as the maintenance of these streams is concerned, but also in a condition which enables it to be set aside as a Reservation of the kind proposed at a minimum of expense and trouble. The principal lakes may be named as follows: Great Opeongo, McDougal and Shirley on the Madawaska; Cedar lake, lake Lavieille, Trout lake, Big lake, lake Le Muir, Burnt lake, White Trout lake and Misty lake on the Petawawa; Island, Canoe and Smoke lakes on the Muskoka, and Tea, Manitou and Kioshoqui on the Amable du Fond. Besides these are Whitefish, Two Rivers, Cache, Source, Otter Slide, Green, Rock, Merchants', Crow and Mink lakes, and many hundreds of others, varying in size from considerable bodies of waters to mere ponds. In fact the region is one of a multiplicity of creeks and streams, forming in their progress every here and there diminutive lakes, many of them, surrounded as they are by the over-arching forest, extremely beautiful.

The larger lakes are situated directly upon the several water systems within the Park, of which they respectively form part, and there is scarcely a lake of any size which is not connected by stream or portage with some leading chain of waters, the consequence being to render the whole area within the Park easily accessible by canoe, the only means of locomotion of which the nature of the case admits. Swamps are of course numerous, and for some of the purposes of this Reservation it is well that they should be. They are divided, however, by much larger areas of drier land, of every description of surface, hill, valley and level land, covered generally with woods often of great beauty, and calculated to be, if the cutting were periodic and discriminating, of more or less permanent commercial value. For many reasons, hereafter more fully stated, the preservation of these streams and lakes with their surroundings in as far as possible their original condition is most desirable.

PRESERVATION OF A PRIMEVAL FOREST.

2. The maintenance of the Park in a state of nature as far as possible, having regard to existing interests; and the preservation of native forests therein and of their indigenous woods as nearly as practicable.

The progress of settlement, the demand for wood, and the occasional ravages of fire have by their united operation throughout older Ontario almost effaced the remembrance of the beautiful woodland scenery which once covered the land. An object of the establishment of this Reservation should be, while not interfering with land valuable for other purposes, to retain a portion valueless for those, but most valuable for that of preserving a part of the country in its original beauty of forest, lake and river.

Many descriptions of trees, both useful and ornamental, once common here, are now rapidly becoming scarce. Many kinds of wild flowers and shrubs of use for medicinal and other purposes, formerly in great numbers ornamenting and diversifying our forest groves, are almost forgotten where once they abounded. Throughout such a Reservation many of these might be preserved; others, fit for the climate, might be added.

The result would be the perpetuation of a large district in its original and sylvan state, affording alike pleasure to the visitor and knowledge to the student —a district pregnant of pleasing remembrances of the past, and affording much in many ways useful in the present.

PROTECTION OF BIRDS AND ANIMALS.

3. To protect the fish, insectivorous and other birds, game and fur-bearing animals therein, and to encourage their growth and increase.

In other countries fish and game have been long and extensively preserved; but it has been by means of stringent regulations on the part of proprietors of large estates, or in royal forests; and the result, while affording benefit to a class,

deprives the people at large of any share therein. In America, where game and wild animals once existed in great abundance, and where the lakes and rivers were stocked with fish superior to any now obtainable, such regulations were at first thought unnecessary, and what was wild was considered the common property of all. But it was at length seen that the end would be the extinction of the game altogether. Of that which in other lands legislation had almost deprived the masses, here, by permitting the carelessness or rapacity of individuals, the masses were much more effectually depriving themselves. It was found necessary, if any fish or game were to be left in the country, to adopt some method of preservation, and regulations as to close seasons were adopted in many parts and enforced with greater or less severity.

In Ontario the same course of events has occurred, and game is now scarce, fur-bearing animals yet more scarce, throughout settled Ontario; while as to insectivorous birds, which it is of the greatest importance to preserve, now, owing to the use of guns by boys and young men who have been taught to find amusement in wanton and useless destruction of life, our woods and fields, once vocal with songsters, are destitute of note of bird or flash of wing.

As has been said, the Reservation yet possesses many varieties of wild animals and fish. Let us suppose that within its limits protection is extended to these until their increasing numbers demand occasional reduction, that wolves be destroyed, the increase of insectivorous birds encouraged, and that of those injurious to agriculture checked. We should then have at least one district in Ontario where the harmless and useful tenants of the forest and the stream would find refuge from the careless cruelty and unreasoning greed which in some localities have almost deprived them of the opportunity of existence, and where they can find the protection which, were humanity less inconsiderate and more grateful, they would long since everywhere have found.

It is almost incredible with what ferocity and wastefulness such animals as the moose have been hunted and killed in the past. In the spring of 1887, to give an example, the carcasses of not less than sixty moose were found in this district, the animals having been killed for their skins alone. During the preceding winter, between lake Traverse on the Petawawa and Bissett's station on the C. P. R., a distance of a little over twenty miles, seventy moose were slaughtered after Christmas. If one-half of these were females and if they even averaged only one calf each, here was game enough destroyed in one season to stock the Park. Besides affording noble sport to the hunter, the moose is a valuable animal to the settler and the frontiersman, and it would be a pity to allow him to be exterminated like the buffalo of the western plains without at least affording him every opportunity of survival. A full-grown moose weighs upwards of 1,000 lb., and will dress 600 lb. of beef, while his skin will make twenty pairs of

moccasins, which readily sell at two dollars a pair. The Game Act has made it unlawful to kill any moose, elk, reindeer or caribou anywhere within the Province before the first day of November, 1895.

Of the fur-bearing animals, the beaver is by far the most valuable. On the shore of every lake in this district are to be found old beaver houses, and there is scarcely a brook in the whole territory on which at short intervals their abandoned dams may not be seen. Now one may travel for days there without seeing a single fresh beaver sign.

There are two reasons why this industrious and harmless animal should be preserved from destruction. First, because its skin furnishes us with one of our richest and most valuable furs ; and, second, because from its habits it is perhaps the greatest natural conservator of water. It is probably within the mark to say that were this region again stocked with beaver as it once was, there would be in every township at least a hundred dams and beaver ponds, each with its family or families of beaver, exclusive of the large numbers in the lakes and rivers where no dam building is necessary. In this way the water area would be increased by perhaps a fifth, a very important circumstance from the lumberman's point of view. The present law provides that neither beaver, otter nor fisher shall be taken or killed anywhere in the Province before the first day of November, 1897.

The beaver is a most prolific creature, and if left undisturbed the progeny of a single couple would, in a few years, stock a large extent of country. The young beavers remain in the same house as the parents until they are a year old when they strike off in couples for themselves, and either build a new house on the same pond or select a site on some other creek and there erect a dam and house. In a few weeks the dry swamp or marsh is transformed into a lake, and the stock of provisions, consisting of a pile of saplings and brush, for winter use, is laid up beside the house, only a few of the limbs showing above the surface of the water. In the interior of the house a dry, warm nest is made, where they remain all winter. Going out at the call of hunger to the pile of provisions, they drag a piece up out of the water and eat the bark which, together with the roots of aquatic plants, is their only food, thrusting the pole back again into the water. Here they remain until the long warm days of spring soften the ice, when cutting a hole in it they go out for a taste of fresh food. In the beginning of May they bring forth their young, which almost invariably consist the first year of two after which the average number is from four to six.

From this brief sketch it can readily be seen how quickly a large extent of territory can be stocked with these valuable creatures, if protected from destruction. The Reservation would, in fact, be a breeding ground for not only the moose, the deer and the beaver, but for all animals, fish and birds which the interests of the country render it desirable to preserve.

A FIELD FOR EXPERIMENTS IN FORESTRY.

4. To provide a field for experiments in and practice of systematic forestry upon a limited scale.

It is evident that, to acquire practical and reliable knowledge in this science so important to the future of Ontario, the evidence upon which future action is based had better be obtained from experiments conducted in our own country. While many valuable ideas can be obtained from observation of forestry as practised in Europe and other distant lands, the difference in climate, in the class of trees generally used, and the quality of labor to be procured, render the methods of obtaining success in forestry management, as practised elsewhere, so different from those practicable in Ontario, that any one who intelligently observes both becomes aware that information obtained there must be to some extent modified by experience here.

As to the class of experiments desirable, many of great probable value might be made, as soon as necessity shall justify their cost, which need in no case be large. To mention particular experiments, it may be remarked that it will be well to endeavor by such means to learn what trees, planted in existing forests can best continue these forests in value, what trees will flourish best when intermixed with other varieties, and which succeed better when surrounded by their own; whether the original forest should be greatly thinned before attempting to replace it, or whether any gaps therein can be advantageously refilled at once; what soils are best for different trees, what localities and exposures, and whether by streams or on higher ground, with many other questions yet unsolved which can only receive solution in the forest itself, a thing as yet little, if at all, attempted in Ontario.

Attempts might also be made to solve by experiment (which, if fire be used, would need to be conducted with caution) the vexed question of the possibility of destroying the branches and tree tops left on the ground during the culling of a pine forest.

Where fire has, as is often the case, left large spaces of open ground, experiments might be tried to determine the proper method of commencing new plantations, and the kind of trees which, on certain soils, will answer best to succeed the forest when so destroyed.

The possibilities of useful experiment are, in fact, endless.

A PLACE OF HEALTH RESORT.

5. To serve as a sanitarium or place of health resort.

The inhabitants of Ontario have been often recommended, instead of visiting for the purposes of health or recreation the various summer resorts of other countries, to try a season in their own, and find whether in northern Ontario an air cannot be found more pure and more invigorating than in either Europe or the States.

This large Reservation, with its succession of hill and valley, lake and river, its vast surfaces of level and of rolling ground, its groves of balsam and cedar, its forests of pine and hardwood, will be eminently capable, when certain by no means expensive improvements are effected, of affording the citizen, tired of close-packed houses and of crowded streets, the means of passing summers surrounded by every pleasure which varied scenery can afford, amid the perfect repose of a district almost uninhabited by man.

The idea appears to be well founded that pine forests are of specific value in the cure of lung disease. The old Romans sent patients with ulcerated lungs to Libra, where, by breathing the balsamic emanations of the pines with which the country abounded, they are said to have lived many years freed from their complaints. In the Adirondack Forest of New York State a cottage sanitarium has been erected, with the special object of the relief of patients in the early stages of consumption. It offers to such the benefit of climatic treatment, a systematic out-door life, hygienic habits and suitable medical treatment, and its reports show that twenty-five per cent. of the patients are apparently cured; while twenty-five or thirty per cent. more are sufficiently restored in health to resume their work or support themselves by their own efforts while living in a suitable climate. There can be little doubt that a sojourn in the pine forests of this Nipissing upland, with its pure air, good water and aromatic breezes, would be beneficial to many afflicted with weak lungs.

It is a region which can be retained in its original beauty. In an ordinary country neighborhood the land has been cleared, the portions of forest left, the roads made, for the convenience and profit of the farmer and the villager: but this can be arranged with a view to the picturesque alone. Its roads need neither be straight nor rectangular; they can wind by the shaded borders of streams and climb the higher land wherever the best view of the surrounding country is available. No proprietor can close his forest against the visitor; pleasant paths can be constructed to every sequestered dell or wood-embowered lake. At present, much of this is covered with groves of sombre pine; much with woods of brighter foliage, in summer of green, in autumn rich with crimson and gold.

It will be easy, as time goes on, successively to replant the portions desolated by fire or thinned by the axe, and, with the latitude afforded in laying out the means of communication, to contrive that every road shall open out successive vistas of light, shade, and color, of land and water, such as no forest in North America can at present equal.

For the convenience of visitors, hotels might, under proper restrictions, be allowed at certain points. It is common to allow a few such in the large forests possessed by European Governments. All travelers in Gloucestershire will remember the beautiful Speech House, in the great royal Forest of Dean. In the still larger New Forest, in Hampshire, there are a number.

When, in course of time the improvements glanced at here in connection with this Reservation are completed, such hotels will be enabled to offer their visitors air, scenery and opportunities of exercise such as they will hardly find elsewhere.

BENEFICIAL EFFECTS ON CLIMATE.

6. To secure the benefits which the retention of a large block of forest would confer upon the climate and watercourses of the surrounding portions of the Province.

The injurious result of the decrease of the volume of water in rivers and streams on the districts through which they flow has been remarked upon already. The manner in which the forests preserve these watercourses is laid down in all scientific works on forestry, as follows: The bed of the forest, being of a deep and spongy consistence, composed partly of humus, partly of decaying logs and branches, holds for a time vast quantities of rain or melted snow, gradually parting with it to the creeks or streams which flow through or by the forest. This moisture, had there been no forest near the watercourses, would have suddenly filled their beds, the water then passing rapidly away, and leaving the streams at other seasons dry or shallow.

Forests also bring, it is stated, frequent showers of rain, especially in summer, to the portions of country near them, the method of operation being thus: The rain which falls on the earth proceeds chiefly from the great volume of moisture which rises into the air at the equatorial belt, and is carried north and south to the poles, falling in rain at or near any point where, by various means, it is condensed in its passage. Of those means the presence of forests is a powerful one, as the forests, continually sending upwards from their leaves large quantities of moisture cooler than that which passes over them in the equatorial current, necessarily cause precipitation and rain at intervals of greater or less duration, after the two bodies of moisture have intermingled. They also tend to equalize the atmosphere, cooling the summer air and mitigating its severity in the winter. Their presence also prevents the fierce hurricanes and "blizzards" common in unforested lands.

In history, we find that all countries once possessing forests became sterile after having been deprived of them.

For these and other reasons it has been considered by those who have most deeply studied the matter that all countries, whether to maintain the flow of their rivers or to permanently succeed in agriculture, should be interspersed by an amount of forest of from one-fourth to one-third of their total area, and that, where the surface is mountainous or greatly sloping, a greater portion is required to resist the washing away of the fertile earth of the plains, and to prevent the *debris* of the mountain sides from covering the valleys below.

Establishment of the Park.

With regard to the establishment of the Park, the commissioners are of opinion that its boundaries should be proclaimed by the proper authority, and that the same should be defined on the ground in an unmistakable way, by the "blazing" of trees or otherwise, so as to render them easily recognizable. It would be necessary also to run the south boundary of the township of Preston and part of the south boundary of Sproule, these not having been as yet surveyed.

Maintenance, protection and cost.

Concerning the maintenance and protection of the Park and the cost of the same, the commissioners are of opinion that, for the purpose of preserving the timber, preventing poaching, protecting game and excluding trespassers, a staff of say five rangers, one of whom should be chief or supervising ranger, would be required. The under-rangers could probably be obtained at the rate of $1.50 per day; the chief ranger should possess some knowledge of and experience in forestry, and should be paid at a higher rate, say $2.50 per day.

A residence would be required for the chief ranger, and there should be a few rustic huts or houses built at various points in the Park for the accommodation of the rangers. The latter would be required to travel about all the time, to keep a sharp lookout for poachers and against fires, and to watch especially the waterways and usual entrances to the Park.

The chief ranger might be a married man; but the under-rangers should be young, single men, as the domiciling of families within the Park is not contemplated; and it might, besides, be necessary at any moment to dispense with their services.

It would be necessary to supply the staff with canoes, tents, axes and a general outfit.

The chief ranger should be clothed with the powers of a magistrate, so that he might convict offenders on the spot, and the rangers should have authority to seize and destroy traps, dead-falls, fishing-nets, etc., found within the limits of the Park. It might even be found expedient, in view of the distances to which offenders would otherwise have to be taken for trial, to confer magisterial authority upon the under-rangers as well; if so, special care would of course require to be taken to appoint only men of intelligence and good judgment on the staff.

Offenders deemed worthy of being punished by imprisonment could be taken to the nearest jail in any one of the districts or counties contiguous to the Park.

The rangers should be provided with guns for the purpose of self-defence, and might be allowed to supplement their remuneration by killing wolves for the bounty, which is now ten dollars a head; but they should not be permitted to kill or trap game or other animals of any kind.

As game multiplied in the Park wolves would also increase in number, unless vigorous steps were taken to repress them; and with this end in view it might perhaps be found advisable to allow a few experienced hunters, who could be relied upon not to abuse their privileges, to have access to the Park at stated times and under proper regulations, for the purpose of killing these pests.

It may be well, in adopting regulations affecting a large district, and proposing a system of management new in Ontario, to hasten slowly. The staff above suggested can commence operations. In preventing fires their services will at once be very valuable. Their method of operation, as to the rest, should probably be to make well known throughout the country surrounding the Reservation the regulations about to be enforced, which could be done by means of placards posted in public places, and by statements published in the newspapers of the nearest towns.

It would be best first to warn offenders, and if offences were persisted in to secure the conviction and punishment of the culprits. The force mentioned would be sufficient to do much in carrying out this idea. Of course, as soon as such improvements as are previously mentioned in arranging and beautifying the Park or in important replantings are considered necessary, a greater force would probably be required.

THE PARK A BREEDING GROUND FOR GAME.

No hunting, shooting or trapping should be permitted within the Park for a certain term, say ten years. Fishing might be allowed, but only with rod and line and under permit. Provision should be made for stocking the streams and waters with varieties of fish which have not been found there, or of native fish which have disappeared. This Reservation might easily support large quantities of game, if means be taken to prevent for a time their destruction, and if at any time they were found too numerous they could easily be reduced in number. The harmless and useful fur-bearing animals, such as the beaver and many others, obtaining refuge, would easily find sustenance here. The object should be to allow the Park to become well stocked with all such, both in order to render occasional residence therein much more agreeable, and to furnish an opportunity for the observation of many beautiful creatures, both bird and beast, which are otherwise likely to become almost extinct in the Province. If protected here the game would spread into the adjoining country, where during the open season it would become the lawful prey of the settler and huntsman.

It may be mentioned that in some of the United States the laws concerning wanton destruction of certain birds, either valuable or non-injurious, are much more strictly enforced than here. In this Park certain grasses and shrubs, valuable for the maintenance of deer, might be introduced in open spaces and along the borders of streams, and efforts should be made to induce the wild rice,

which grows plentifully in some parts of Ontario, and is so valuable for wild ducks, to take root near some of the numerous lakes and streams. As far as fish are concerned, the waters within the Park, not being likely to be choked with the sawdust which elsewhere has proved fatal, would offer great opportunities for their increase. Some varieties are now tolerably plentiful, and many new and desirable ones readily could, by use of the means which the science of pisciculture now affords, be introduced.

HARDWOOD AND YOUNG PINE TREES SHOULD BE PRESERVED.

The commissioners would recommend to the Government that they should withdraw from the operation of timber licenses all the timber within the Park but the pine, and that they should prohibit the cutting of any pine under twelve inches in diameter.

When this system was once in operation, the lumberman would rather gain than lose.

When hardwood is fully mature, it should be cut ; trees of younger growth should at that time be ready to replace it. It might then be as well cut by the lumberman, he receiving permission to do so, as by any one else ; and it is a loss to him or to any one to cut it before that time. Of course this permission would depend on whether for Park purposes these trees were still required ; but there should after a time be many such to spare yearly. As for the pine, its yearly addition in growth is so much more rapid when large than small, that to cut it before twelve inches through at least is to lose very much.

It has been in some places the practice to cut trees too small in fear that, if left, fire would take them. But this danger is much less since means have been adopted for preventing fires, and it is hoped that this Reservation will be so cared for that the danger of fire will be reduced to a minimum, in which case to preserve the trees until a period of fuller growth will be an ulitimate gain to all.

THE LANDS SHOULD REMAIN IN THE CROWN.

The commissioners would further recommend to the Government that no lands within the Park should be sold or otherwise disposed of for settlement, mining, or other purposes.

In England the old royal parks, which form now their public forest reservations, were at first, many centuries ago, unbroken stretches of forest, with the exception of those settlements which were by the king's order destroyed. The Conqueror destroyed many villages to create the present New Forest. But as time passed the financial exigencies of monarchs and the changes effected by civil war vested the title of portions in other hands, and now villages, mines, and private estates are here and there found within their limits. These private

rights now form the chief trouble of the commissioners in charge, who have for many years been endeavoring, by purchase or exchange, to consolidate the parks once more.

In the present case no mining applications need be feared, as there appears to be few or no minerals of value in the district. As for the rest, it would certainly seem desirable that, to avoid future annoyance, the title to every portion of the territory should remain in the hands of the Government.

ERECTION OF SUMMER RESIDENCES.

With regard to the question of summer residences, it would certainly be undesirable to permit the erection of permanent buildings, as the owners of such might in course of time lay claim to the land on which they were built. If permission to erect buildings were granted, it might be made a condition that such permission gave no privilege of occupancy beyond a certain short term. This would tend to prevent the erection of buildings of a more solid character than the ordinary cheap and easily removable structures which are found to answer all purposes of temporary residence.

The allowing villages or settlements of any description within such a reservation has always been found the commencement of a great and ever-growing annoyance to those who are entrusted with its management, an evil easily prevented at first, but difficult to abolish if once allowed to exist.

NAME OF THE PROPOSED PARK.

The commissioners suggest that the name of the Reservation be The Algonquin Park, in this way perpetuating the memory of one of the greatest Indian nations that has inhabited the North American continent.

At the time of the discovery of America the Algonquin Indians were lords of the greater part of what was formerly known as Canada, and principally inhabited the great basins of the St. Lawrence and Ottawa rivers. After their defeat in the St Lawrence valley by the Iroquois they abandoned that valley and joined their kindred north and west. History finds them early in the sixteenth century seated about the shores of lakes Huron, Michigan and Superior. They were divided into numerous bands, bearing generally some local name, but differing in scarcely any appreciable degree in language, features, manners or customs. They included the Nipissings, Ottawas, Montagnais, Delawares, Wyandots, Mississagas, and over thirty other different tribes. The Nipissings, who are deemed the true Algonquins by ancient writers, lived at lake Nipissing.

There are still the remains of an old burial ground on the lonely shores of the Great Opeongo lake, and as this locality abounded in game and lies about midway between the Ottawa river and lake Huron it was doubtless a favorite

hunting ground of the roving tribes, and perhaps also the scene of many a sanguinary conflict between bands of contending warriors ascending the Petawawa and Madawaska on the east and the Muskoka and Maganetawan on the west.

In the opinion of the commissioners it is fitting that the name of a once great and powerful people, who in their savage manner held sway over this territory centuries ago, should bequeath their name to a part of it which it is now proposed to maintain, as nearly as possible, in the condition in which it was when they fished in its waters and hunted and fought in its forests.

United States and Canadian Forest Reservations.

There will be found on the following pages information relating to and descriptions of two United States Forest Reservations, one, the Adirondack, being a State, and the other, the Yellowstone, a National Reservation; and also of the Banff National Park, a Canadian Reservation:

THE ADIRONDACK PARK, STATE OF NEW YORK.

For some years past commissioners have been engaged in the State of New York in arranging the boundaries of what is proposed to form the Adirondack Park, a forest reservation somewhat similar to the one proposed in Ontario. The chief difficulty met with appears to be that the State lands, which the commissioners have in charge, are interspersed with lands held by private parties, and to consolidate the State reservation by purchase or exchange where possible, and in other cases to induce private owners to adopt a method of forest preservation similar to that which the State will enforce, has been the object of the commission, which has already spent large sums in the prosecution of the work.

The following copious extracts from a late (their fifth) report will give much information as to the course they propose to pursue—more, in fact, than any of their other reports:

The report states that the remarkable exemption from fire, so noticeable in 1888 and 1889, has continued during 1890. As before, it is undoubtedly due in a large extent to the rules and regulations which have been thoroughly posted throughout the Adirondack and Catskill preserves, and to the vigilance of the fire wardens. The widespread distribution of these printed rules of the commission regarding the use and abuse of fire has reduced the prevalence of dangerous fires to a minimun, while the efficient organization of the firewarden system, under which one or more active officials are ready at all times for duty in each town (the New York "town" corresponds to the Canadian township), has prevented the fires, when started, from doing any serious damage.

The rules and regulations for the prevention of forest fires are printed on heavy card twelve by fifteen inches, or latterly upon white muslin, as this material has proved more durable, most of the placards being posted in the woods, or on fences, school-houses and mills, where they are exposed to the weather.

Over 15,000 of these rules have been posted by the foresters and firewardens throughout the preserve counties, and the commission believes that much of the immunity from fire is due to their general distribution. They have been an important aid in warning the careless and in educating the people in this particular. The rules are as follows:

RULES FOR THE PREVENTION AND SUPPRESSION OF FOREST FIRES AND FOR THE PROTECTION OF FOREST TREES.

1. All persons intending to light fires for the purpose of clearing or improvement must give notice of their intention to the nearest firewarden before such fire is lighted.

2. No fires of the character before specified will be permitted until the trees are in full leaf. After such fires are lighted competent persons must remain to guard them until the fire is completely extinguished.

3. Fires will be permitted for the purpose of cooking, warmth and insect smudges; but before such fires are kindled sufficient space around the spot where the fire is to be lighted must be cleared from all combustible material; and before the place is abandoned fires so lighted must be thoroughly quenched.

4. All fires other than those hereinbefore mentioned are absolutely prohibited.

5. Hunters and smokers are cautioned against allowing fires to originate from the use of firearms, cigars and pipes, and all persons are warned that they will be held responsible for any damage or injury to the forest which may result from their carelessness or neglect.

6. Felling trees and girdling or peeling bark from standing trees are prohibited. Fallen timber only may be used for firewood and camp construction.

7. Foresters and firewardens are instructed, and all citizens are requested, to report to the forest commissioners immediately all cases of damage or injury to forest trees arising from a violation of these rules, which may come to their knowledge.

Since the publication of the previous report trespasses on State lands throughout the forest preserves have continued to diminish in number and extent, a result due in part to increased vigilance in protecting timber lands, but owing largely to the change in public sentiment among the people living in the timber district in regard to the custom of cutting timber on State lands.

The commission reports a total expenditure of $24,891.20, being $5,108.80 less than the appropriation of $30,000 for the work. Although since 1888 the area of State holdings has been largely diminished by the redemption of lands forfeited for non-payment of taxes, these losses have been more than compensated by accessions, and there has been a net increase of 81,149 acres in the area of the preserve since the commission took charge, the area on December 31st, 1885, being 715,267 acres as compared with 796,416 acres on January 1st, 1891.

The report embraces a special report made by the commission to the State Legislature dealing with the message of Governor Hill, which called attention to the subject of establishing a State Park in and about the head waters of the rivers having their sources in the Adirondack wilderness, and was referred to the Forest Commission with instructions to investigate the possibilities of such an undertaking and report their recommendations as to the most effective methods to accomplish it.

The regions popularly known as the Adirondacks is one of undefined extent. In years gone by the wild lands of the Adirondacks have been stated to cover 12,000 square miles, which was doubtless an over estimate, and included lands not properly belonging to the Adirondacks tract. Villages, settlements, farms

and clearings have been established all around its borders, and have made large encroachments upon the original acreage. Taking the most reliable data obtainable, the gross area of the Adirondack wilderness proper is shown now to be about 5,600 square miles, or 3,600,000 acres, which includes the area of water, overflowed lands, clearings, farms, and some villages or settlements. Of this estimated gross area of 3,600,000 acres the State has acquired title to a total area of 765,036 acres, inclusive of water and overflowed lands. This is not compact, but lies in widely-separated parcels, varying in extent and interspersed among tracts held by individuals and corporations, some of whom have established private preserves and parks in the woods for purposes of pleasure and recreation. There must be some scheme adopted by which an area could be consolidated sufficiently large to render the establishment of a Park expedient. The commissioners consider the exercise of the right of eminent domain at present impracticable, as it would arouse hostility and defeat the entire Park scheme. They regard the proposal to purchase the lands held by private owners as more feasible, though widely conflicting opinions as regards the amount required for the purpose were found to prevail.

While public opinion as a whole has been from the first strongly in favor of the Park, objections to it have come from two classes of people, as was anticipated, though not very strongly or definitely expressed.

The first class of possible opponents are the clubs and various associations and individuals who are holding land in the Adirondacks for purposes of pleasure or as summer resorts. The number of these has greatly increased since the agitation of the Park scheme. These private reserves being mostly held by men of means, are not for sale.

Another class from whom objection was anticipated are those interested in lumbering and paper-making. The State holdings are interspersed among and bounded on every side by immense tracts held by timber dealers and paper-makers, who have paid for their lands and have built saw-mills and pulp-mills, dams and other structures at a great expenditure of money.

It soon became evident that there must be devised some system of adjustment and *modus vivendi* between the State on the one hand and those owning private reserves and lumber lands on the other, under which the Park could be established, leaving the rights and privileges of all undisturbed. With this end in view the commission invited representatives of all private interests to present their opinions and informally discuss the entire subject in all its bearings. The fact was elicited that the owners of private reserves were unanimously in favor of the Park, provided certain privileges were conceded them. The claim made on behalf of the private reserves is that while the aim of their establishment may differ from that of the State Park they are practically accomplishing the precise object sought, viz., the preservation of the forest.

With one or two exceptions timber is not allowed to be cut, fire is guarded against and no acts of depredation or trespass allowed. The commission came to the conclusion that the chief objectionable feature of the reserves, the exclusion of the public from private reserve lands, can be by negotiation and mutual concession removed, and that it does not seem to be essential to the full success of the Park scheme that the State should immediately acquire the lands included in the private reserves, it being of less consequence who shall preserve the forests than that they should be preserved. The real purpose can be served by an agreement with the owners of the reserves that their lands shall be managed under the same system and subject to the same regulations as the Park, the title to remain for the time in the present owners as an offset to a concession on their part that the public shall have access to their lands, and that if they are ever offered for sale the State shall have the refusal to purchase.

As to the lands held by lumbermen, it is essential that much of that area should be eventually owned by the State, and there should be a method inaugurated, having for its object the gradual acquisition of lands for the Park as opportunities arise.

Many parcels of land, some fairly well covered with timber, lie scattered in small tracts so far from the main body of the Adirondack lands as to be unavailable for Park purposes. These lands can be exchanged, on a fair business basis, for lands within the proposed Park area now owned by individuals. Still further, it is proposed that the State acquire title to land now owned by lumbermen within the proposed Park area, under condition that the "soft wood" (thereby meaning spruce, hemlock, pine and tamarack) may be cut and taken out within a specified time, under conditions to be established. The mature timber standing on the land owned by the State might be exchanged under conditions of a like sort for lands desirable to be enclosed within the State Park. In this way the land on which such growing timber stands could be retained by the State, and new lands acquired which in a few years in the course of nature will be recovered with a new forest growth.

The report points out that the true interests of the lumbermen are not incompatible with forest preservation. Under the old practice of cutting the forests have rapidly disappeared, and if it continues for a few years none will be left; the lumberman will have ruined his own business. It is the purpose of forestry to point out to the lumberman the true methods of exercising his own profession, which will provide him material for the future as well as the present by maintaining permanent forests through a succession of crops. The lands acquired for the Park can be, doubtless, brought under a system of good forestry management and permanent forests established thereon.

The commission believes it to be good policy for the State to acquire timbered and even denuded lands for Park purposes, since these lands can be obtained at a small cost, and it is a well-established fact that if a tract of cleared or even

cultivated land is for any considerable length of time abandoned and kept free from destructive agencies the forest re-asserts itself, and the soil is soon covered with an arborescent growth.

The report, after presenting a number of very forcible sanitary and economical reasons for the establishment of the proposed park, goes on to say:

"The loss to the State of New York which would be entailed by the destruction of the Adirondack forests, taking into account the manufacturing and canal interests involved, could only be counted by millions of dollars, and this without taking into consideration the loss to the health of our citizens by the removal of the most valuable of all sanitariums and the destruction of the valuable game preserves of the Adirondacks. . . . The commission regards it of the utmost importance that the State should acquire title to all the forest lands within the limits of the Park which it is possible to acquire in the shortest practicable time. It desires further to indicate in the most emphatic way the strong claims that the subject of forest preservation involved in this measure has upon the attention of the Legislature, and to urge prompt and liberal action. It is no temporary device that is here under consideration, affecting small interests within narrow limits, but a far-reaching measure, involving the prosperity of the whole State and having regard to its welfare for all time. On behalf of the people of the State we appeal to you for the immediate enactment of such laws as shall seem to you judicious and effective to save our forests from destruction."

THE YELLOWSTONE FOREST RESERVATION.

This, the principal forest reservation in the United States, is thus described:

Standing upon one of the high peaks in the northwestern part of the Yellowstone National Park, the observer looks out upon an almost unbroken, undulating, dark green forest, stretching away to the eastward and southward. This timbered area, comprising the central and southern portions of the Park, is a high, rolling volcanic plateau, with an average altitude of about 8,000 feet, except in the extreme south, where an altitude of 10,000 feet is reached. On the northwest it is flanked by the Gallatin Range, mainly sedimentary, and along the whole eastern boundary by the rugged volcanic peaks of the Absaraka or Yellowstone Range, both reaching altitudes of 11,000 feet. The continental divide crosses the Park, and is generally broad, ill-defined and heavily timbered throughout, with an altitude varying from 8,000 to 10,000 feet.

The mountain slopes over the region, where not too precipitous and rocky, are generally well clothed with timber up to 9,000 feet. Above this the country becomes more open, and grassy parks mingle with groves of trees until the timber line is reached, which may be roughly estimated at 9,600 feet on the peaks and somewhat higher on the elevated plateau. The altitude of the Park, with its topographical features, make it one of the storm centres of the northern Rocky

Mountains. It is one of the greatest natural reservoirs in the United States, including within its limits the head waters of the Yellowstone, Gallatin, Madison and Snake rivers. The Park lies in the Rocky Mountain belt of coniferous forests, geographically termed the Interior Pacific, and which, trending northwestward, unites in Washington territory with that of the Pacific coast, forming a broad belt which, still farther north in Canada, merges into the northwest extension of the Atlantic forest. The Park comprises 3,350 square miles, the principal tree being the black pine, mingled to a much lesser extent with the white pine, red fir, balsam, spruce, and occasional red cedars.

Another report says: The Park is a high plateau with an average elevation of nearly 8,000 feet, surrounded on nearly all sides by mountains rising from 2,000 to 3,000 feet above this broad table-land. Numerous streams from the high mountains pour their waters into the Park, from which by means of three large rivers the greater part of it leaves this elevated country for the more arid regions below. Hundreds of lakes, many of them of large size, lie scattered over the plateau. Yellowstone lake, one of the grandest bodies of water in the world at so high an altitude, presents a magnificent natural reservoir twenty miles in length, with a breadth across its greatest expansion of fifteen miles. Two large rivers, the Yellowstone and the Snake, find their sources in these lakes and mountain recesses. In all the vast Rocky Mountain country there are few, if any, areas of equal extent so admirably adapted for a national forest reservation, and none which present greater advantages as a national reservoir for the storage of water. Over eighty per cent of the Park country is covered with a coniferous forest. For the collection and preservation of this water supply the forests of the Park and the adjacent territory are of incalculable value. They are, indeed, a prime necessity. The importance of this water in an arid region, and one with a constantly increasing population, cannot be over-estimated. It is safe to say that without the forest and with the diminished water supply which would naturally follow, the grand scenic effects of the Park would be wholly wanting.

Prof. Fernow, head of the Forestry Branch of the Department of Agriculture, Washington, says: This is a Park, and not a Forest Reservation, in the sense in which we have now several established in Colorado and New Mexico, and expect to establish others. In this Park no timber is cut, no forestry practised, no hunting allowed; and, in the absence of sufficient civil appropriations, the army has had its protection in charge most efficiently. The same system is inaugurated in several parks established in California, simply military patrols preventing trespass. When trespassers are found, they can only be removed and their tools confiscated.

Public opinion in the States, however, seems not satisfied with the management of the Parks established. *Garden and Forest*, edited by Prof. Sargent, perhaps the best forestry authority there, says that the vandalism of tourists is

complained of concerning Yellowstone Park, and that poachers have settled all round it so that the game has no adequate protection. Speaking of the fact that six forest reservations, including 3,250,000 acres, have already been established under the new law, it says: "The sum of the fact is that we have set apart from the public domain certain tracts for national parks and forests, but their boundary lines have never been defined, and no law has ever been enacted which establishes a system of government within their limits with appropriate executive machinery, and prescribed penalties for the violation of its provisions."

BANFF NATIONAL PARK.

This Park is situated in Alberta territory, Canada, and is twenty-six miles long, northeast by southwest, and ten miles wide. It is traversed by the Canadian Pacific Railway from Duthil to Cascade. The station at Banff is in the north-western portion of the Park. The village of Banff is one and a half miles south of the station, at the base of Tunnel Mountain, and has a population of about 3,000. The Government maintains a superintendent and wardens for the enforcement of the police regulations and game laws governing the Park, and has done much by opening up roads and bridle paths to make the beauties of the locality accessible. The scenery is magnificent, comprising many mountain ranges of great height, several important rivers, among which are the Bow and Spray, and many lakes, some of which are of great depth. A large proportion of the Park is in forest; game is plentiful in the valleys and mountain ranges, and fish, comprising trout of ten to thirty pounds in weight, are numerous in the waters. The whole Park is now accessible by either drive-ways or trails. Medicinal springs exist, of which many invalids take the benefit.

Complaints have been noticed of injury caused by fire in the national Parks. It may be remarked that in older countries all work in parks is generally done by the forest staff, assisted by employés whose numbers are increased or lessened to suit the occasion or season. It will be easily seen that the presence of these men, acting as a description of police if necessary, adds greatly to the security of a Park from fire or trespass.

ALEXANDER KIRKWOOD, Chairman.
AUBREY WHITE.
ARCHIBALD BLUE.
JAMES DICKSON.
R. W. PHIPPS.

THOS. W. GIBSON, Secretary.
Toronto, March 8, 1893.

REPORT

OF THE

DRAINAGE COMMISSION

FOR THE

PROVINCE OF ONTARIO,

1892-3.

PRINTED BY ORDER OF THE LEGISLATIVE ASSEMBLY.

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1893.

CHATHAM, February, 1893

TO THE HONORABLE GEORGE A. KIRKPATRICK, P. C.,

Lieutenant-Governor, Province of Ontario.

MAY IT PLEASE YOUR HONOR

We, the undersigned Commissioners, appointed by Commission under the Great Seal of the Province, and bearing date the twenty-second day of September in the year of our Lord one thousand eight hundred and ninety-one, to inquire into and Report upon the working of the Drainage Laws of the Province of Ontario, and other matters as are therein particularly set forth, beg leave to submit herewith our report, and the evidence taken pursuant to the directions of our said Commission.

We have the honor to be,

Your Honor's most obedient Servants,

CONTENTS.

CHAPTER I

The flow of water in rivers, streams and natural watercourses, and the relative rights and duties of riparian owners are shortly set forth and discussed. The principles controlling and regulating the flow of surface water are enunciated in a series of decisions in Great Britain, and also in the United States, from which extracts are taken. The points of agreement and difference of the doctrines of the common law and the civil law are brought out in a number of cases.

CHAPTER II.

For the purpose of forming a basis for the application of the evidence taken and rendering it more clear and intelligible, a sketch is given of the conformation of the land in some of the sections of the country visited by the Commission. The Province is divided into three districts, namely :—Eastern, Central and Western, all places at which sittings were held are mentioned, and a few of the particular grievances in each county stated. A general description is given of the method adopted for reclaiming marsh lands by embanking and pumping works. The prevailing complaint of the non-completion of Drainage works is commented upon. Raising too much money by the sale of debentures, and misapplying the surplus, are dealt with.

CHAPTER III.

The Drainage Sections of the Municipal Act are carefully considered, and extracts are taken from the evidence and arranged under the provision of the Statute to which they refer. The decisions of the various courts in Ontario are quoted, in so far as they relate to the clause of the Act under review. Wherever considered advisable, the Commission has made recommendations aiming at the improvement and simplification of the law. Some estimate of the advantages derived from the application of the Drainage Laws, in particular sections, is pointed out. The importance attached to efficient Drainage, as shown by the large sums of money already expended by different Municipalities, and an approximate of the amount required to complete their system.

CHAPTER IV.

The evidence taken by the Commission throughout the whole investigation, whether given orally or by communication. In some instances the testimony is very long, and deals with cases of hardship to the individual by having an assessment put upon his land which he considers improper, but no right of appeal was exercised to correct this. In all such cases the evidence is reduced so as to simply show the grievance.

CHAPTER I.

COMMON LAW.

At the portals of this enquiry, we find rivers forming the great natural highways for water, from the interior of the Province to the lakes and bays lying to the north-west and south of it. These rivers, with their branches, are the result of the natural formation of the country, and afford the main channels for conveying away to an outlet water produced by rain, ice and snow, and also that which comes from springs and other subterraneous supplies.

WOOLRYCH defines a river as a running stream, pent in on either side with walls and banks, and it bears that name as well where waters flow and reflow, as where they have their current one way.

This definition has been held to include all natural streams however small, and which have a definite and permanent course, and to exclude all bodies of water which are of a temporary character, that is to say, those dependent on the will or convenience of individuals for their volume or duration.

CURTIS, J., in a case of *Howard* vs. *Ingersoll* tried in the United States, says : "The banks of a river are those elevations of land which confine the waters when they rise out of the bed, and the bed is that soil so usually covered with water as to be distinguishable from the banks by the character of the soil or vegetation, or both, produced by the common presence and action of flowing water ; but neither the line of ordinary high-water mark, nor of ordinary low-water mark, nor of a middle stage of the water, can be assumed as the line dividing the bed from the banks. The line is to be found by examining the bed and the banks and ascertaining where the presence and action of water are so common and usual, and so long confined in ordinary years, as to mark upon the soil of the bed a character distinct from that of the banks in vegetation as well as in respect to the nature of the soil itself, whether this line between the bed and the banks will be found above, or below, or at the middle stage of the water, must depend on the character of the stream. The height of a stream during much the larger part of the year may be above or below a middle point between its highest and least flow. Something must depend also on the rapidity of the stream and other circumstances. But in all cases the bed of a river is the natural object and is to be sought for, not merely by the application of any abstract rules, but as other natural objects are sought for and found, by the distinctive appearances they present ; the banks being fast land, on which vegetation appropriate to such land in the particular locality grows, wherever the bank is not too steep to permit such growth, and the bed being soil of a different character and having no vegetation, or only such as exists when commonly submerged in water."

The owner of lands on the bank of a river is *prima facie* the owner of half the bed of the river. COULSON & FORBES on waters, at page 93, state the law as follows : "When the lands of two conterminious properietors are separated from each other by a running, non-tidal stream of water, each proprietor is *prima facie* owner of the soil of the alveus or bed of the river to the middle thread of the stream. The soil of the bed is not common property of the two proprietors, but the share of each belongs to him in severalty, so that if from any cause the

course of the stream should be permanently diverted, the proprietors on either side of the old channel would have a right to use the soil of the bed, each of them up to what was the middle thread of the stream, in the same way as they were entitled to the adjoining land. Where the same person is the proprietor of the ground on both sides of the stream, he is *prima facie* the proprietor of the whole of the channel. This presumption is liable to be rebutted, but if not rebutted it is the legal presumption. The more than ordinary breadth of a river does not prevent a conveyance of premises therein described, as bounded by the river, from operating to convey the portion of the water and the soil of the river abutting thereon up to midstream; and therefore a conveyance of one hundred and twenty acres of lands on the banks of a river was held to convey also ten acres of the bed of the river, although the estimate of one hundred and twenty acres was satisfied by the contents of the land, exclusive of the bed of the river."

At page 95 it is further said: "Though the soil of the bed of non-tidal rivers is the property *prima facie* of the respective owners on the opposite sides of the river, neither of them is entitled to use it in such a manner as to interfere with the natural flow of the stream, to the injury of other riparian owners, or of any right of navigation which has been acquired by the public. Subject to this restriction they are entitled to protect their property from the invasion of the water, by building a bulwark or wall, but even in this necessary defence of themselves they are not at liberty to conduct their operations so as to do any actual injury to the property on the opposite side of the river."

Again, at page 128, note 2, it is further said: "With regard to natural streams, it is the undoubted right of the owner of the bank or bed to build on the bed or banks in the same way as he may on any part of his land not covered with water; provided that he does not interfere with the rights of navigation or of the other riparian owners above or below him; he cannot, however, obstruct the course of a stream by building on the ordinary or flood channel so as to throw the waters in the times of ordinary flood on the grounds of another proprietor to his injury."

The above quotations, founded upon legal decisions in England, set forth some of the advantages belonging to the lands bordering on natural streams; the same lands have corresponding disadvantages which will now be considered.

The same authors, at page 127, say: "A riparian owner is not only entitled to have the waters of a stream passing through his land flow to him in its natural state, so far as it is a benefit to him, but he is also bound to submit to receive it so far as it is a nuisance to him, by its tendency to flood his land. Unless, therefore, the flow of the stream is increased or diverted to his prejudice by some unthorized act, either of the proprietors above or below him, he has no remedy but must submit to what is the result of natural causes. Thus, where a stream becomes by natural causes silted up or choked by reeds, and in consequence overflows adjoining lands, there is no common law liability on the owner to clear the channel or to compensate the adjoining landowners who may be damaged thereby."

ANGELL on Watercourses, at page 245, says: "The utmost extent of the obligation imposed upon the owner of the servient tenement" (or lower land) "is not to alter the condition of it, so far as to interfere with the enjoyment of the easement by the dominant" (or high land) "Applying this to watercourses, every riparian owner is by nature subject to the natural rights of those who are higher up or lower down on the same stream, which are in the nature of a servitude imposed upon his land. This obligation, however, applies only to the waters which flow naturally without the art of man."

In *Tillotson* vs. *Smith*, a case tried in the State of New Hampshire, the Court say: "If any person above or below, shall make any change in the natural

flow of a stream, to the material injury of the owner situate upon it, or by any interference shall prevent the stream from flowing as it was wont to flow, to such injury, he is liable for the damage he may occasion. It seems very evident that if a man's land is materially damaged by water thrown upon it by reason of the acts of another, it can make no difference what the course of the water may be, whether it be back water, or the flowage of the same, or the water of another stream. The wrong consists in turning any water upon the land which does not naturally flow on that place; and it can make no difference, whether the water, wrongfully turned upon a man's land against his will, flows in the channel of an ancient stream, or in a course where no water flowed before, if similar damage results."

The rule of the Civil Law is to the same effect—POTHIER says: "The supra-riparian proprietor must not raise the water by means of a dam, so as to make it fall with more abundance and rapidity than it would naturally do, to the injury of the proprietor below."

The above English and American authorities, with many others to which it is not necessary to refer, give judicial sanction to the Common Law maxim: "Water runs naturally and should be permitted thus to run." Whether therefore the stream of water flowing through land is a benefit or a detriment to such land, lying on either bank of the stream, no right is given to the owners, by the Common Law, to increase the natural benefit or ward off the ordinary damage by overflow to the prejudice of any of the other owners above, below or opposite them.

Water Having no Defined Course.

COULSON & FORBES on waters, at page 188, say: "The principles of law which regulate the rights of owners of land in respect of water flowing in known and defined channels, whether upon or below the surface of the ground, do not apply to water which runs in no defined channel, or merely percolates through the strata, and no action will, therefore, lie for the abstraction or diversion of such water. Thus in the case of *Rawstron* vs. *Taylor*, in England, it has been held, that the owner of land has an unqualified right to drain it for agricultural purposes in order to get rid of mere surface water, the supply being casual and its flow following no regular or definite course: and a neighboring proprietor cannot complain that he is thereby deprived of such water, which otherwise would have come upon his land. So in *Broadbent* vs. *Ramsbotham*, where the plaintiff's mill for more than fifty years had been worked by the stream of a brook, which was supplied by the water of a pond filled with rain, a shallow well supplied by subterraneous water, a swamp and a well formed by a stream springing out of the side of the hill, the waters of all of which occasionally overflowed, and ran down the defendant's land in no definite channel into the brook; it was held, that the plaintiff had no right as against the defendant to the natural flow of any of the waters." In the above case of *Rawstron* vs. *Taylor*, MARTIN, B., said: "The proprietor of the soil has *prima facie* the right to drain his land. He is at liberty to get rid of the surface water in any manner that may appear most convenient to him; and I think no one has a right to interfere with him, and that the object he may have in so doing is quite immaterial." PARK, B., said, in the same case: "This is the case of common surface water rising out of springy or boggy ground, although contributing to the supply of plaintiff's mill. This water having no defined course, and its supply being merely casual, the defendant is entitled to get rid of it in any way he pleases." PLATT, B., said: "This was mere surface water, and the defendant had a right to drain his land, and the plaintiff could not insist upon the defendant maintaining his field as a mere water table."

The same principles formed the basis of the decision of the House of Lords, the highest judicial tribunal in Great Britain, in the case of *Chasemore* vs. *Richards*, 7 House of Lords 347. The facts are shortly as follows: Chasemore, who owned an ancient mill on the river Wandle, and had for more than sixty years enjoyed the use of the stream, which was chiefly supplied by percolating and underground water, lost the use of the stream after Richards, an adjoining landowner, had dug on his ground an extensive well, for the purpose of supplying water to the inhabitants of the district, many of whom had no title as landowners. It was held by the Court, that the plaintiff had no right of action. Lord CHELMSFORD said: "Before the plaintiff can question the act of the defendant, or discuss with him the reasonableness of the claim to appropriate this underground water for these purposes, whatever they may be, he must first establish his own right to have it pass freely to his mill, subject only to the qualified and restricted use of it, to which each owner may be entitled, through whose land it may make its way. It seems to me that both principle and authority are opposed to such a right. The law as to water flowing in a certain and definite channel has been conclusively settled by a series of decisions, in which the whole subject has been very fully and satisfactorily considered, and the relative rights and duties of riparian proprietors have been carefully adjusted and established. The principle of these decisions appears to me to be applicable to all water flowing in a certain and defined course, whether in an open, visible stream, or in a known subterranean stream, and if the course of a subterranean stream were well known, as is the case with many that sink underground, pursue for a short space a subterraneous course, and then emerge again, it never could be contended that the owner of the soil under which the stream ran could not maintain an action for the diversion of it, if it took place under such circumstances as would have enabled him to recover had the stream been wholly above ground. But it appears to me that the principles which apply to flowing water in streams or rivers, the right to the flow of which, in its natural state, is incident to the property through which it passes, are wholly inapplicable to water percolating through underground strata, which has no certain course, no defined limits, but which oozes through the soil in every direction in which the rain penetrates. There is no difficulty in determining the rights of the different proprietors to the usufruct of the water in a running stream. Whether it has been increased by floods, or diminished by draught, it flows on in the same ascertained course, and the use which every owner may claim is only of the water which has entered into and become a part of the stream. But the right of percolating underground water is necessarily of a very uncertain description. When does this right commence? Before or after the rain has found its way to the ground? If the owner of land, through which the water filters, cannot intercept it in its progress, can he prevent its descending to the earth at all, by catching it in tanks or cisterns? And how far will the right of this water supply extend? In this case the water, which ultimately finds its way to the river Wandle, is strained through the soil of several thousand acres—are the most distant landowners, as well as the adjacent ones, to be bound at their peril to take care to use their land so as not to interrupt the oozing of the water through the soil, to a greater extent than shall be necessary for their own actual wants? For, with Mr. Justice COLERIDGE, I do not see here how the ignorance, which the landowners have of the springs below the surface, of the changes they undergo, and of the date of their commencement, is material in respect of a right which does not grow out of the assent or acquiescence of the landowner, as in the case of a servitude, but of the nature of the thing itself. This distinction between water flowing in a definite channel, and water, whether above or underground, not flowing in a

stream at all, but either draining off the surface of the land, or oozing through the underground soil in varying quantities, and in uncertain directions, depending on the variations of the atmosphere appears to be well settled by the cases cited in argument, *Broadbent* vs. *Ramsbotham; Rawstron* vs. *Taylor;* and *Acton* vs. *Blundell.*"

The same doctrine prevails in the United States, as will be seen from the three following decisions, the first in New Hampshire, the second in New York and the last in Rhode Island. Chief Justice BIGELOW, in *Gannon* vs. *Hargadon,* said: "The right of an owner of land to occupy and improve it in such manner and for such purposes as he may see fit, either by changing the surface, or the erection of buildings or other structures thereon, is not restricted or modified by the fact, that his own land is so situated with reference to that of adjoining owners, that an alteration in the mode of its improvement or occupation in any portion of it will cause water, which may accumulate thereon by rains and snow falling on its surface or flowing on to it over the surface of adjacent lots, either to stand in unusual quantities on other adjacent lands or pass into and over the same in greater quantities or in other directions than they were accustomed to flow. Where there is no water course by grant or prescription, and no stipulation exists between conterminous proprietors of land concerning the mode in which their respective parcels shall be occupied and improved, no right to regulate or control the surface drainage of water can be asserted by the owner of one lot over that of his neighbor; and the right of a party to the free and unfettered control of his own land, upon, and beneath the surface, cannot be interfered with or restrained by any considerations of injury to others which may be occasioned by the flow of mere surface water, in consequence of the lawful appropriation of land by its owner to a particular use or mode of enjoyment, nor is it at all material, in the application of this principle of law, whether a party obstructs or changes the direction and flow of surface water by preventing it coming within the limits of his land, or by erecting barriers or changing the level of the soil, so as to turn it off in a new course after it has come within his boundaries, and cause it to flow in a new direction on land of a conterminous proprietor where it had not previously been accustomed to flow. The obstruction of surface water, or an alteration in the flow of it, affords no cause of action in behalf of a person, who may suffer loss or detriment therefrom, against one who does no act inconsistent with the due exercise of dominion over his own soil. A party may improve any portion of his land, although he may thereby cause the surface water flowing thereon, whencesoever it may come, to pass off in a different direction and in larger quantities than previously. It makes no difference in the application of this rule, that the land is naturally wet and swampy. A conterminous proprietor may change the situation or surface of his land by raising or filling it to a higher grade, by the construction of dykes, the erection of structures, or by other improvements which may cause water to accumulate from natural causes on adjacent land and prevent it from passing off over the surface. Such consequences are the necessary result of the lawful appropriation of land, whatever be its nature, and although they may cause detriment and loss to others."

In *Goodale* vs. *Tuttle,* tried in the State of New York, Chief Justice DENIO, in giving judgment, said: "In respect to the running off of surface water caused by rain or snow, I know of no principle which will prevent the owner of land from filling up the wet and marshy places on his own soil for its amelioration and his own advantage, because his neighbor's land is so situated as to be incommoded by it. Such a doctrine would militate against the well-settled rule, that the owner of land has full dominion over the whole space above and below the surface."

Chief Justice AMES, in *Buffum* vs. *Harris*, tried in the State of Rhode Island, in the course of his judgment, said: "Water, whether it has fallen as rain, or has come from the overflow of a pond or swamp, which sinks into the top soil and struggles through it, following no defined channel, is deemed by the law absolutely to belong to the owner of the land upon which it is found, for the avowed purpose of enabling him to cultivate his land by controling or draining it off in the mode most convenient to him, and is not affected by any right in the owner of an adjoining river, pond, or tank, which it may chance for the time to feed, though that time be ever so long protracted. It is not water in a watercourse, or in an infinitesimal number of minute watercourses, in the sense of being obedient to the law regulating the use of water flowing in such defined natural channels, but is, in the eye of the law, as well as of common sense, the moisture and a part of the soil with which it intermingles, to be there used by the owner of the soil, if to his advantage, or to be got rid of in any mode he pleases if to his detriment."

The doctrines propounded by the cases cited, have been much modified and abridged by other decisions in the American courts. The substance of these cases will now be given. *Martin* against *Riddle*, was a case tried in Pennsylvania. The action was brought for obstructing a watercourse, and thereby throwing water back upon the land of Martin to his injury. There was on Riddle's land a natural channel, through which the falling water and some living springs were naturally discharged from the land of Martin and some others. The lands of both were used for gardening purposes and consisted of bottom land which was subject to the natural flow of water from the higher ground. There had, for many years, been a culvert underneath the bed of the road which ran between their lands, and through this culvert the natural flow of water had been discharged from Martin's land into the natural channel on Riddle's land. This culvert had become choked up, and through the united influence of Martin and others, the road authorities built a new culvert in place of the old one. After this, the quantity of water flowing through the culvert and into the channel was greatly increased in times of freshets and storms, by means of a road cut into the hill by a cemetery company owning lands adjoining Martin's and on the same or upper side of the road. On this road there was a drain which collected the water that had been previously discharged in a natural way over a large surface, and conveyed it in a body to the culvert. Martin had constructed several underdrains through his land, which discharged springs and surface water at a point where the injury occurred. Riddle, to protect himself from injury by this increase of water, stopped up the culvert, and as a result, the water, instead of getting through the culvert was thrown back upon the road on the upper side and over Martin's land and garden. Mr. Justice LOWRIE, who tried the case with a jury, in charging them said, among other things: "I shall speak now of the general principles of law in the matter of rainwater and drainage, and of the respective rights and duties of adjoining proprietors, in relation thereto. They are in general the same as in the case of running water, they follow nature. Not readily finding the subject treated of in any of our usual books of reference, I venture to extract the law from books of a foreign origin. Where two fields adjoin, and one is lower than the other, the lower must necessarily be subject to all the natural flow of water from the upper one. This inconvenience arises from its position, and it is usually more than compensated by other circumstances. Hence the owner of the lower ground has no right to erect embankments whereby the natural flow of the water from the upper ground shall be stopped, nor has the owner of the upper ground a right to make any excavations or drains by which the flow of water is directed from its natural channel, and a new channel

made on the lower ground; nor can he collect into one channel waters usually flowing off into his neighbor's field by several channels, and thus increase the wash upon the lower fields. But he may—and good husbandry sometimes requires that he should—cover up and conceal the drains, keeping the place of discharge unchanged. And he may use running streams to irrigate his land, even though he does thereby not unreasonably diminish the supply of his neighbor, so also he may use proper means of draining his ground when it is too moist, and discharge the water according to the naturel channel, even though the flow of water upon his neighbor be thereby somewhat increased. If it be difficult to ascertain from the character of the surface what is the natural channel, the course in which the water has long been peaceably and openly permitted to run, will be considered as having had a legitimate origin; for long duration has the force of law. If the owner of the upper ground wrongfully directs an unnatural quantity of water upon the ground of a lower neighbor, by collecting small streams together and discharging them at one place, or by any other means, his neighbor below may have an action against him, but he cannot justify the erection of an embankment to stop the water, if thereby the water is improperly forced upon another owner. So in this case, it is manifest that the Cemetery Company had no right to collect into one place and discharge upon the defendant, Riddle's ground, the water falling upon the whole surface of the hill, and which before had discharged itself in many directions. If he could stop it without injury to any but the Cemetery Company, he had a right to do it; but he cannot do it to the injury of the plaintiff, Martin. Nor can the defendant justify himself by saying that he only turned the water upon the road, and that it was the duty of the authorities having charge of the road to provide means for carrying it off. A road is a way for travel, not for water, and it would be ruinous to our public roads if each adjoining proprietor could insist upon discharging the drainage of his land upon them, or preventing the roads from being drained upon his land. When there is a natural channel or hollow for discharging the flow of the water, it must be suffered to remain until altered by agreement of those concerned, and the water cannot be turned upon the road until the proper authorities have provided the means of carrying it off." It is scarcely necessary to add that, upon such a clear and concise charge to the jury, laying down as it does the rights and duties of all parties, the plaintiff, the defendant, the Cemetery Company and the highway authorities, a verdict was given in favor of the plaintiff, Martin.

This case was carried to the Supreme Court of the United States, where the appeal was dismissed, and the verdict of the jury was approved and confirmed.

Another case tried in the same State was, *Kauffman* and others against *Griesemer*. The plaintiffs, *Kauffman* and others and the defendant *Griesemer*, owned adjoining lands, and about thirty rods above the boundary line separating their lands, there was a strong spring on the plaintiffs' property, the natural outlet of which was in the direction of the defendant's farm, though the water did not appear to have reached the defendant's land before a ditch dug by the plaintiffs conveyed it there. This natural outlet, having rising ground on both sides of it, served to carry off not only the water of this spring so far as it came, but also the water from rain and snow which fell on a large area of land owned by the plaintiffs and others. A public road had been laid out across this outlet below and near the springs with a small bridge composed of logs and plank, over the outlet, leaving a waterway underneath the bridge. The bridge was repaired from time to time, and the water passage under it cleared of rubbish and *debris*, and finally a plank waterway or sluiceway was put in to conduct the water

across the road and under the bridge. A short time before the action was brought the road authorities abandoned the road, and then the plaintiffs took out the plank sluiceway and opened a larger passage for the water. The defendant claimed that this increased the flow of the water upon his land from the plaintiffs' springs, and to prevent it he erected a sod dam across the ditch or watercourse on his own land. This dam caused the water to flow back on the plaintiffs' land and they brought this action.

The judge who presided at the trial, in charging the jury upon the facts above set out, and the law applicable to such a state of facts, among other things, said: "One has no right to alter the natural drainage so far as to throw upon his neighbor waters that he had not received before. A familiar illustration of this would be the case of drainage from a roof. One may build his roof as he pleases, but not so as to throw the water from it upon his neighbor's adjoining lot. And, as it is with a roof, so it is with the drainage of the land itself. One may drain his land as advantageously to himself as possible, but he must not acquire that advantage at the expense of the neighbor. 'Each of the neighbors,' says POTHIER, 'may do upon his own what seemeth good to him in such manner nevertheless that he may not injure his neighboring heritage.' But one has no right to cut away or drain natural reservoirs upon his land whereby he may reclaim the land occupied by the same, if thereby he causes more water to flow upon his neighbor's land. The reclamation of the land is certainly for the advantage of the common weal as well as the person owning it, but such reclamation is not allowed by the law at the expense of a contiguous owner. I have no right to make my property more valuable by making my neighbor's less valuable. Against injuries of this nature one may protect himself by necessary countervailing structures, and if some damage result to the party whose actions rendered such structures necessary, not more, however, than may be advisable from a judicious and reasonable exercise of a right of self-protection, the party so damnified would have no just ground of complaint. The defendant could have no right to prevent the waters of floods and freshets flowing where they were accustomed to flow. It was the plaintiffs' right that such water should flow there, and indeed, all the waters that had been accustomed to flow there."

The jury returned a verdict in favor of the defendant, Griesemer. Upon an appeal to the Supreme Court of the United Sates from the law as laid down by the trial judge, the judgment of the Supreme Court was delivered by WOODWARD, J., who said: "Almost the whole law of the watercourses is founded on the maxim of the Common Law, *Aqua currit et debet currere*, (water flows naturally and should be permitted thus to flow.). Because water is descendible by nature, the owner of a dominant or superior heritage has an easement in the servient or inferior tenement for the discharge of all waters which by nature rise in, or flow or fall upon the superior. This easement is called a servitude in the Roman law, and consists, says PARDESSUS, in the subjection of the inferior heritage towards those whose lands are more elevated, to receive the waters which flow from them naturally, and, quoting the Code Civil, he adds, 'This obligation applies only to waters which flow naturally, without any act of man' Those which come either from springs or from rain falling directly on the heritage or even by the effect of the natural disposition of the places, are the only ones to which this expression of the law can be applied. 'It is not, however, to be understood,' he goes on further to say, 'that because the flow of water must not be caused by the act of man, that therefore the proprietor who transmits water to the inferior heritage is not permitted to do anything upon his own land, that he is condemned to abandon it to perpetual sterility, or never vary the course of cultivation, simply because such acts would produce some change in the manner of discharging the

water. The law intends not this. It prevents only the immission into the inferior heritage of the waters, which would never have fallen there by the disposition of the places alone. It neither would nor could refuse to the superior proprietor the right to aid and direct the natural flow.

Such cases as *Martin* against *Riddle* recognize the principle that the superior owner may improve the lands by throwing increased waters upon his inferior, through the natural and customary channels which is a most important principle in respect not only to agricultural, but to mining operations also. It is not more agreeable to the laws of nature, that waters should descend, than it is that lands should be farmed and mined; but in many cases they cannot be, if an increased volume of water may not be discharged through natural channels and outlets. The principle therefore is to be maintained, but it should be prudently applied. This court refused to apply it as among several owners of city lots, each of whom, it was held in *Bentz* against *Armstrong*, must so regulate and grade his own lot as that the water which falls or accumulates upon it shall not run upon the lot of his neighbor. It was greatly misapplied by the plaintiffs, when they supposed that they might not only increase the ordinary flow, but might dig a new channel for it to and into the defendant's land. The construction of the sod dam was not setting up a nuisance against a nuisance, any more than the shutting the door against an unwelcome visitor is a nuisance. The only servitude the plaintiffs could claim in the defendant's lands was that it should receive the overflow which was natural and customary, and the court throughout their charge guarded this right."

Butler against *Peck* was a case tried in the State of Ohio, and the principles enumerated in the two preceding cases were adopted. The court said: "The principle seems to be established and indisputable, that where two parcels of land, belonging to different owners, lie adjacent to each other, the lower one owes a servitude to the upper to receive the water which naturally runs from it, provided the industry of man has not been used to create the servitude. Or, in other words more familiar to the students of the Common Law, the owner of the upper parcel of land has a natural easement in the lower parcel to the extent of the natural flow of water from the upper parcel to and upon the lower. But to what extent, if any, the owner of the upper parcel may gather and concentrate, by artificial means, the waters which fall upon or originate in this parcel, and send them upon the lower parcel, and how far a due regard to the great interests of agriculture, and the policy of our legislation, will authorize the owner of the upper parcel to go in facilitating, hastening and to some extent temporarily increasing the flow of the water from the upper to the lower estate, are questions not involved in the record under review before us, and which we do not assume to decide."

The English authorities are along the same line of doctrine as the American cases above set forth, and although the former deal almost exclusively with the subterranean waters in the effect produced by mining operations, it will be observed that the principles of law apply equally to water whether on the surface or underground.

Coulson & Forbes at page 128 say: "The principles of law regulating the duties and liabilities of the owners of land with regard to the escape and overflow of waters and the rights they have of protecting their land from such overflow have been discussed of late in a series of important cases and seem now to be settled on a satisfactory basis.

The general principles regulating the liabilities of landowners with regard to the escape and overflow of water seems to be as follows: Where the owner of land, without wilfulness or negligence, uses the land in the ordinary manner of

its use, though mischief thereby accrues to his neighbor, he will not be liable for damages; but, where for his own convenience, he diverts or interferes with the course of a stream, or where he brings water upon his land which would not naturally have come upon it, even though in so doing he acts without wilfulness or negligence, he will be liable for all direct and proximate damages, unless he can show that the escape of the water was caused by an agent beyond his control, or by a storm which amounts to vis major, or the act of God, in the sense that it is practically, if not physically impossible, to resist it." The principles of law, they proceed to say: "stated above having been held to apply equally to water upon the surface and underground, and in fact most of the most important decisions have arisen with regard to the effects of mining operations."

Rylands against *Fletcher* is the first of the series and we are only interested in the law as propounded by the highest court reached by this case, namely, the House of Lords. Lord CAIRNS, L.C., says: "The plaintiff is the occupier of a mine and works under a close of land. The defendants are the owners of a mill in his neighborhood, and they propose to make a reservoir for the purpose of keeping and storing water to be used about their mill on another close of land, which for the purposes of this case may be taken as being adjoining to the close of the plaintiff, although, in point of fact, some intervening land lay between the two. Underneath the close of land of the defendants, on which they proposed to construct their reservoir, there were certain old and disused mining passages and works. There were five vertical shafts and some horizontal shafts communicating with them. The vertical shafts had been filled up with soil and rubbish, and it does not appear that any person was aware of the existence of either the vertical shafts or of the horizontal works communicating with them. In the course of the working by the plaintiff of his mine, he had gradually worked through the seams of coal underneath the close, and had come in contact with the old and disused works underneath the close of the defendants. In that state of things the reservoir of the defendants was constructed. It was constructed by them through the agency and inspection of an engineer and contractor. Personally, the defendants appear to have taken no part in the works or to have been aware of any want of security connected with them. As regards the engineer and contractor, we must take it from the case that they did not exercise, as far as they were concerned, that reasonable care and precaution which they might have exercised, taking notice, as they appear to have taken notice of the vertical shafts filled up in the manner I have mentioned. However, my Lords when the reservoir was contructed and filled, or partly filled with water, the weight of the water bearing upon the disused and imperfectly filled up vertical shafts, broke through the shafts. The water passed down them and into the horizontal workings, and from the horizontal workings under the close of the defendants; it passed on into the workings under the close of the plaintiff and flooded his mine, causing considerable damage for which this action was brought.

The Court of the Exchequer, when the special case stating the facts to which I have referred was argued, was of opinion that the plaintiff has established no cause of action. The Court of Exchequer Chamber, before which an appeal from this judgment was argued, was of a contrary opinion, and the judges there unanimously arrived at the conclusion that there was a cause of action, and that the plaintiff was entitled to damages. My Lords, the principles on which the case must be determined appear to me extremely simple. The defendants, treating them as the owners and occupiers of the close on which the reservoir was constructed, might lawfully have used their close for any purpose for which it might in the ordinary course of the enjoyment of land be used; and if, in what I may term the natural uses of that land there had been any accumulation of water,

either on the surface or underground, and if by the operation of the laws of nature that accumulation of water had passed off into the close occupied by the plaintiff, the plaintiff could not have complained that that result had taken place. If he desired to guard himself against it, it would have lain upon him to have done so by leaving or interposing some barrier between his close and the close of the defendants, in order to have prevented that operation of the laws of nature.

As an illustration of that principle, I may refer to a case which was cited in the argument before your lordships, the case of Smith against Kenrick in the Court of Common Pleas, which decided that where the owner of a coal mine on a higher level worked out the whole of his coal in the ordinary way, leaving no barrier between his mine and the mine on a lower level, so that the water percolating into the upper mine flowed into the lower mine and obstructed the owner in getting his coal, it was held that the owner of the lower mine had no ground of complaint. On the other hand, if the defendants, not stopping at the natural use of the close, had desired to use it for any purpose, which I may term a non-natural use, for the purpose of introducing into the close that which in its natural condition was not in or upon it, for the purposes of introducing water either above or below ground, in quantities and in a manner not the result of any work or operation on or under the land; and if, in consequence of their doing so, or in consequence of any imperfection in the mode of doing so, the water came to escape and pass off into the close of the plaintiff, then it appears to me that that which the defendents were doing, they were doing at their own peril; and if in the course of their doing it, the evil arose to which I have referred, the evil, namely, of the escape of the water and its passing away to the close of the plaintiff, then for the consequences of that, in my opinion, the defendants would be liable. As the case of *Smith* against *Kenrick* is an illustration of the first principle to which I have referred, so also the second principle to which I have referred is well illustrated by another case in the same court, the case of *Baird* against *Williamson*, which was also cited in the argument at the bar and decides, that where the owner of an upper mine did not merely suffer the water to flow through his mine, but pumped up quanities of water which passed into the plaintiff's mine, in addition to that which would have naturally reached it, and so occasioned him damage, it was held that, though this was done without negligence and in the due working of the defendant's mine, yet he was responsible for damages so occasioned. My Lords, these simple principles, if they are well founded, as it appears to me they are, really dispose of this case. The same result is arrived at on the principles referred to by Mr. Justice BLACKBURN in his judgment in the Court of the Exchequer Chamber, where he states the opinion of that court as the law in these words: 'We think that the true rule of law is that the person who, for his own purposes, brings on his land and collects and keeps there anything likely to do mischief if it escapes, must keep it at his peril; and if he does not do so, he is *prima facie* answerable for all damage which is the natural consequence of its escape. He can excuse himself by showing that the escape was owing to the plaintiff's default, or perhaps that the escape was the consequence of vis major or the act of God. But as nothing of this sort exists here it is unnecessary to imagine what excuse would be sufficient. The general rule, as above stated, seems on principle just. The person whose grass or corn is eaten down by the escaping cattle of his neighbour, or whose mine is flooded by the water from his neighbors reservoir, or whose cellar is invaded by the filth from his neighbor's privy, or whose habitation is made unhealthy by the fumes and noisome vapors from his neighbor's alkali works, is damnified without any fault of his own; and it seems but reasonable and just that the neighbor who has brought something on his own property (which was not naturally there)

harmless to others as long as it is confined to his own property, but which he knows will be mischievous if it gets on his neighbors' should be obliged to make good the damage which ensues if he does not succeed in confining it on his own property. But for his act of bringing it there no mischief would have occurred, and it seems but just that he should at his peril keep it there, so that no mischief may accrue, or answer for the natural and anticipated consequence. And upon authority this, we think it is established by law, whether the things so brought be beasts, or water, or filth, or stenches.' My Lords, in that opinion, I must say I entirely concur. Therefore, I move your Lordships that the judgment of the Exchequer Chamber be affirmed and the present appeal be dismissed with costs."

The Court of Appeal in England followed the above decision, and has held that, if anyone, by artificially raising the surface of his own land, causes water, even though arising from natural rainfall, to pass to his neighbor's land, and thus substantially to interfere with his enjoyment, he will be liable to an action at the suit of him who is injured. This liability is limited to liability for allowing things, in themselves offensive, to pass to a neighbor's property, to the prejudice of his enjoyment thereof. In the same way where an artificial drain was, for the convenience of a person, constructed, and thereby water and sewage was brought upon his land and they flowed from his land upon and flooded the land of an adjoining owner, it was held that he was liable, although unaware of the existence of the drain, and consequently of its want of repair.

It has also been held, that the occupier of a house is liable for the continuance of such a nuisance as the penetration of damp from an artificial mound upon which his stable stood, though it had been put there before he took possession.

Another application of the same law is made to the diversion of natural watercourses. Water flowing down a natural channel may cause some damage to an owner whose lands lie alongside, but should the channel be diverted by substituting an artificial channel the greatest care is required in the construction of the same, so that it may not overflow and cause greater damage than had been sustained, before such diversion, by the same lands.

Crompton against *Lea* was a case, where the owner of a mine on a higher level was restrained by an injunction from working his mines so near a river flowing over it, as to cause the waters of that river to flow into another mine on a lower level. Vice-Chancellor HALL, in the course of his judgment said: "I do not see why a mine owner who is lower down should be in a worse position, or less entitled to complain of an injury occurring to him from such an act, such as throwing down of water upon him, than a riparian proprietor, or one considerably inland. If any injury should accrue in consequence of the interference with the flow of a river in that way, I do not see why any person who sustains any injury in consequence of that which must be a wrong to somebody, is in a worse position than other persons who would have an undoubted remedy."

The above case was followed by the court in a case of *Fletcher* against *Smith*. Here the defendant's mine was on a higher level than that of the plaintiff, and over the surface of defendant's land, were certain hollows or springs partly caused by, and partly made to aid defendant's workings. Across the surface of their land ran a watercourse, which in the year 1865 the defendants diverted into a new artificial channel, In 1871, owing to an exceptionally heavy rainfall, the banks of the artificial course which though sufficient in all ordinary seasons to confine the water, burst and overflowed, the water escaping into the hollows and openings and thence by cracks and fissures passed on into the mine of the plaintiff.

On the trial POLLOCK B. left five questions to the jury and which they answered as follows:—

1st. Was the mine flooded from natural causes, or from anything done by the defendants ?

Ans. From the acts of the defendants.

2nd. (a) Was the flooding occasioned, in whole or in part, by the diversion of the stream ?

Ans. In part, and chiefly by the diversion of the stream.

2nd. (b) Or by the deficient condition of the new channel and the banks thereof ?

Ans. By the condition of the new channel.

2nd. (c) Was the stream in its diverted course more likely to overflow in time of flood, and would its overflow do more damage than if it had been allowed to flow in its former channel ?

Ans. The stream in its diverted course would be more likely to overflow, and so do more damage to the plaintiff.

3rd. Was the flooding occasioned by the failure of the diverted channel, or other means to intercept the surface on the broken ground ?

Ans. Yes.

4th. Was the flooding caused, not by the insufficiency of the channel, but by the result of the exceptional rainfall ?

Ans. The rainfall was exceptional, but the new channel was insufficient.

5th. Was what was done by the defendants in the ordinary, reasonable and proper working of their mine ?

Ans. Yes, if the diversion of the stream had been properly executed.

The verdict was entered for the plaintiff, and on appeal the verdict was held to be right and was affirmed, and on a further appeal to the House of Lords the decision was again held to be right and was again affirmed. Their lordships were of opinion that as the jury had found the new channel not to be so efficient as the old one, and therefore, not sufficient to carry off rainfall, not exceptional, the defendants were responsible at all events. The duty imposed on persons so altering a natural channel is stated by Lord PENZANCE, in whose opinion the remainder of the House concurred. He said: "In diverting it, what were those obligations ? Was it enough to make the new and artificial channel as efficient, but no more so than the old and natural one, so that whatever defects, incapacity or otherwise the old one might have had, might without responsibility, be produced in the new one. Or, secondly, were they bound (as they for their own convenience, were making a new and artificial watercourse) to construct it in such a manner that it would be capable of carrying off the water that might flow into it from all such floods and rainfalls as might reasonably be anticipated to happen in that locality ? Or, thirdly, were they bound to make provisions for all such quantities of water as might possibly be discharged into it from any more rainfall, however heavy, however unusual, and however contrary to all previous experience ? For my own part I am inclined to think that the second proposition defines the true measure of the defendant's obligations, but I desire to express no positive opinion to that effect."

The next question to be considered is how far an extraordinary rainfall, vis major, or the act of God, will excuse a party from liability.

This is very fully discussed in the case of Nichols against Marsland, where the defendant formed artificial, ornamental pools by damming up a natural stream, and an extraordinary rainfall burst the dams and injured the plaintiff's property, and the jury found that there was negligence in the construction and maintenance of the pools, and that the flood was so great that it could not reasonably have been anticipated, though if it had been anticipated the effect might have been prevented, it was held that this was in substance a finding that the escape

of the water was caused by the act of God or vis major, and that the defendant was not liable.

MELLISH, L. J., delivering the judgment of the court said: "It appears to me that we have two questions to consider: first the question of law. Can the defendant excuse herself by showing that the escape of water was owing to vis major, or as it is termed in the book the 'Act of God'? Secondly, if she can, did she in fact make out that the escape was so occasioned?

Now with respect to the first question, the ordinary rule of law is, that when the law creates a duty and the party is disabled from performing it without any default of his own—by the Act of God or the king's enemies—the law will excuse him; but when a party by his own contract creates a duty he is bound to make it good, notwithstanding any accident by inevitable necessity. We can see no good reason why that rule shall not be applied to the case before us. The duty of keeping the water in and preventing its escape is a duty imposed by the law, and not one created by contract. If, indeed, the making of a reservoir was a wrongful act in itself, it might be right to hold that a person could not escape from the consequences of his own wrongful act. But it seems to us absurd that the making or the keeping of a reservoir is a a wrongful act in itself. The wrongful act is not the making or keeping the reservoir, but allowing or causing the water to escape. If, indeed, the damages were occasioned by the act of the party without more, as a man accumulates water on his land, but owing to the peculiar nature or condition of the soil the water escapes and does damage to his neighbor,—the case of *Rylands* against *Fletcher*, establishes that he must be liable. The accumulation of water in a reservoir is not in itself wrongful; but the making it and suffering the water to escape, if damage ensue, constitutes a wrong. But the present case is distinguishable from *Rylands* against *Fletcher* in this—an act in itself lawful, which alone leads to the escape of water, and so, renders wrongful that which but for such escape would have been lawful, it is the supervening vis major of the water caused by the flood which, superadded to the water on the reservoir (which of itself would have been innocuous), caused the disaster. A defendant cannot, in our opinion, be properly said to have caused or allowed the water to escape, if the act of God or the Queen's enemies destroyed it in conducting some warlike operations, it would be contrary to all reason and justice to hold the owner of the reservoir liable for any damage that might be done by the escape of the water. We are of opinion, therefore, that the defendant was entitled to excuse herself by proving that the water escaped by the act of God.

The remaining question is, did the defendant make out that the escape of water was owing to the act of God?

Now, the jury have distinctly found, not only that there was no negligence in the construction and maintenance of the reservoirs, but that the flood was so great that it could not reasonably have been anticipated, although if it had been anticipated, the effect might have been prevented; and this seems to us in substance that the escape of water was owing to the act of God. However great the flood had been, if it had not been greater than floods that had happened before and might be expected to occur again, the defendant might not have made out that she was free from fault, but we think she ought not to be held liable because she did not prevent the effect of an extraordinary act of nature which she could not anticipate.

In the late case of *Nugent* against *Smith*, we held that a carrier might be protected from liability for a loss occasioned by the Act of God, if the loss by no reasonable precaution could be prevented, although it was not absolutely impossible to prevent it. It was indeed ingeniously argued for the appellant,

that at any rate the escape of the water was not owing solely to the act of God, because the weight of water originally in the reservoirs must have contributed to break down the dams as well as the extraordinary quantity of water brought in by the flood. We think, however, that the extraordinary quantity of water brought in by the flood is, in point of law, the sole proximate cause of the escape of the water. It is the last drop which makes the cup overflow."

It has been seen that the maxim of the Common Law, *aqua currit et debet currere*, which, being freely translated, means that water by nature runs downwards and nothing should stop it, forms the basis upon which all law of whatsoever kind must of necessity rest. Any violation of this principle on the part of human wisdom, whether by the individual owner of land, or by the most skilled and experienced engineer, or by the collective intelligence of legislators, cannot result in anything else than disaster, more or less serious.

If, however, the intelligence of man accepts the law as ordained by a higher intelligence, and simply applies his efforts to the following, guiding and directing of such law, it will be found that the course has been wisely adopted by the advantage secured by the combined effort.

The Romans, from whom we derive so much of our civil and criminal law, were not slow to perceive the gain of following nature, and it is to their light and their language that we are indebted for the maxim above mentioned.

France, through her great jurist POTHIER, constitutes the connecting link between its latin origin and its general adoption and application by courts of justice, as well in Great Britain as on the American continent. He was born at the dawn of the 18th century, and was a judge successively of several courts, and was in 1749 appointed professor of French law. He wrote several treatises on different branches of law, some of which have been translated into English and are cited and followed on principle and justice.

For the purpose of summing up the provisions of the Common Law as compared with the Civil Law, a quotation from GOULD on waters (1891 edition) will place them in juxtaposition so that the difference can be seen at a glance.

At section 225, page 523, he says: "According to the rule of the Common Law, which is accepted in England, Massachusetts, Maine, Vermont, New York, New Hampshire, Rhode Island, New Jersey, Michigan, Minnesota, Wisconsin, etc., a landowner may appropriate to his own use, or expel from his land, all mere surface water or superficially percolating waters, in draining his soil for agriculture, in collecting it for domestic purposes, or for the sole purpose of depriving an adjoining owner of it, and any person from whose land it is withheld, or whose water supply is depleted, will, in the absence of any express grant, have no right of action for such obstruction or diversion. In New Hampshire a landowner may disturb the natural course of the drainage only to the degree necessary in the reasonable use of his own land, and what is such reasonable use is ordinarily for the jury to determine under appropriate instructions."

At section 266, same page, he says: "By the Civil Law, the lower of two adjacent estates owes a servitude to the upper to receive all the natural drainage; and the lower owner cannot reject, nor can the upper withhold the supply, although either, for the sake of improving his land according to the ordinary modes of good husbandry, may somewhat interfere with the natural flow of the water. Interference with the natural flow of the surface water is regarded as a nuisance, for which nominal damages my be recovered without proof of actual damage, and which may be restrained by injunction, when the injury, as in the case of an embankment obstructing the flow of the water, is permanent and continuing. The courts of Pennsylvania, Illinois, North Carolina, Alabama, Tennessee,

California and Louisana have adopted this rule, and it has been referred to with approval by the courts of Ohio and Missouri."

It must constantly be borne in mind that the above rules are laid down for application to surface and subterraneous waters only, and are not to be applied to streams and natural watercourses properly so called. The maxim, when applied to streams and natural watercourses, has no exception or abridgement. On the contrary, it is general and absolute in its adoption in courts of Great Britain and the United States. When, however, the subject matter for decision turns upon the rights and duties of the proprietors of land to the using or getting rid of the surface water for the better cultivation of the land, or the increasing or diminishing of the subterraneous water by the mine-owner in the ordinary working of his mines, then, and only then, does the Common Law rule cease to be in touch and harmony with that laid down by the Civil Law.

We have already given the definition of a river or natural watercourse as laid down by the eminent authority, WOOLRYCH, and we now quote GOULD on waters for the definition of surface water. He says in section 263, page 520: "Water spread over the surface of the land, or gathering into natural depressions, or into swamps or bayous, or percolating the soil beneath the surface, if flowing in no definite channel, does not constitute a watercourse, and is not subject to the principles of law regulating the rights of riparian owners. Surface water may be said to form a watercourse at the point where it begins to form a reasonably well-defined channel with bed, banks or sides, and current, although the stream itself may be very small, and the water may not flow continuously; and surface water ceases to be such after entering within the banks of a watercourse, or forming a lake. Mere surface drainage through a ditch extending across different tracts of land does not form a watercourse. By the Common Law no right can be claimed, by natural right, in the flow of surface water, and its detention, repulsion or diversion is not an actionable injury, even when injury results to others. If the gist of a cause of action is the diversion of the water of a brook or watercourse, this is an essential and material averment that the plaintiff must prove in order to maintain his action, and it is a variance to show that the defendant's act drained more surface water, or water from a swamp or lake and he is not entitled to divert water therefrom to their injury."

The above definition, consisting as it does of various conditions of land surface with water distributed thereon in certain and definite cases, is based upon and compiled from legal decisions in Great Britain and America. Were it possible to define with exactness the varying conditions or dispositions of land and water in all given cases, what would constitute a stream, brook, or natural watercourse, and relegate all that remains to what may be termed non-natural watercourses; and at the same time permanently settle the law applicable to each class within the prescribed limits of fact, a fruitful source of litigation would be cut off. Desirable as this condition of things would be, and endurable as the memory of the promoters of it might become, by bringing it about, as long as the surface of the earth is diversified by everchanging distribution of water in constantly varying proportions, in lake, river, pond, pool, swale, swamp, ravine, gorge, gully, etc., so long it will be above and beyond the reach of human intelligence to accomplish the much coveted object. The fighting ground must remain while the facts vary, but it cannot be doubted that it is the duty of all true legislation to confine and restrict the disputed territory within the narrowest possible compass. In support of this position it will be useful to again quote from GOULD on waters, section 264, page 522: "A stream," the writer says, "does not cease to be a watercourse and become mere surface water because at a certain point it spreads over a level meadow several rods in width, and flows for a distance without

defined banks before flowing again in a defined channel. In broken regions of country, intersected by deep ravines, or surrounded by high, steep hills, or bluffs, down which large quantities of water from rain or melted snow rush rapidly, after attaining the volume of a small river, and usually following a well-defined channel, the Common Law rules applicable to ordinary surface water do not necessarily apply. In many respects such waters partake more of the nature of natural streams than of ordinary surface water, and to a certain extent are governed by the same rules, and no one has a right to obstruct or divert such waters so as to cast them on the property of others to their injury. But, in general, in order to constitute a watercourse the channel and banks formed by the flowing of the water, must present to the eye, on a casual glance, the unmistakable evidence of the frequent action of running water."

Up to this point in our investigation we have had the assistance and guidance of eminent jurists, and judges, both ancient and modern, and the only requisites on our part, were the perseverence and confidence of followers. Henceforth our guides will be less numerous, and our own investigation correspondingly more tardy, while the scope of our inquiry widens out into fields traversed by a network of opinions, dicta, and decisions standing sentry at every turn and pointing with unsteady balance towards whatever may appear as the abode of equity and justice. What a revulsion of feeling is produced by some learned judge when delivering a clear and well-reasoned judgment, in which every sentence is most gracefully turned, and every principle enunciated appeals to the justice and common sense, to find a series of questions of the highest importance asked with the expectation and delight of having his views in answer thereto, and instead of gratification the greatest disappointment is felt upon reaching the expression: "But these are questions not involved in the record under review before us."

Here is a case directly in point. A case was tried in the court of the State of Ohio in which one Bentz was plaintiff, and one Armstrong was defendant, the particulars of which we have already given and in which the court said: "But to what extent, if any, the owner of the upper parcel may gather and concentrate by artificial means, the waters which fall upon or originate on this parcel, and send them upon the lower parcel; and how far a due regard to the great interests of agriculture, and the policy of our legislation, will authorize the owner of the upper parcel to go in facilitating, hastening, and to some extent temporarily increasing, the flow of water from the upper to the lower estate, *are questions not involved in the record under review before us and which we do not assume to decide.*"

Having looked abroad for light from the Common Law, and also the law of the civilians, it now becomes our duty to turn our attention to a narrower sphere, namely: The Province of Ontario. We take it that the rights and duties of riparian owners in rivers and other bodies of water of a similar extent do not, of necessity, arise in the inquiry directed by our commission. This consideration may now, to a very large extent, if not altogether, be eliminated from further review. The same disposition may be made of the rights of the lower proprietors to have the waters from rivers and streams come down from the upper proprietors in undiminished quantity for milling and other purposes. The great complaint coming from all sections of low-lying lands in the Province, is that of sending too much water down upon their lands without a proper and sufficient outlet being provided for the safe conveyance of such water to an outlet, so that no injury to their lands and crops may result by its escape from the channel, over and upon their lands. The upper proprietors also complain that they have rights as well as the lower owners, and that they should not be held liable for

damages caused by the drainage of water from their lands in the ordinary course of good husbandry, nor should they, under the law of the Province, be forced by assessment upon their lands to pay as much, or nearly as much, for the enlargement of natural watercourses, or the construction of artificial channels, as the lower proprietors.

It shall be our earnest endeavour to fairly and fully consider the complaints from the various sections of the Province which we have been requested to visit, and also from other quarters from which information has been obtained by communication, and to point out as well as we can in what way the various statutes of the Province respecting drainage produce results at variance with our conceived and considered opinion of justice between one class of ratepayers and another.

CHAPTER II.

The sources from which information was sought on the drainage laws of the Province, were limited to such parts of Ontario as were more particularly interested. The drainage provisions of the Municipal Act are, as a general rule, set in motion by the petition of the owners of land to be benefited to the council of the municipality in which the land is situated. When a petition is not necessary the council procures the services of an engineer, who is sent on to make an examination, to provide plans, specifications and estimates of the work to be done, and to assess the cost thereof upon the lands and roads liable for contribution. The report, including the assessment, is made to the council, and it is for them to determine whether the report shall be adopted and the work provided by it be executed or not, as to them seems best. In certain cases the council may proceed even without an engineer. Municipal councils are, therefore, under the express provisions of the Act, put in the best position for observing and finding out any defects in the laws, which they are so frequently required to set in motion, with the view of accomplishing a desired result. No class of men could give more information than those who have had, as part of their duties, the carrying out of the laws in all their bearings and in all their details. The aim of the Commission was to obtain from members and ex-members of municipal councils, the difficulties found by them in the application of the laws. Another source of information, upon certain provisions, was derived from the clerks of the different municipalities. The engineers, whose knowledge and skill are so much required under our drainage laws, also gave their experience and stated their grievances and difficulties, in so far as their duties are laid down by the statute. Many others, who did not belong to any of the classes already mentioned, but who were interested in drainage, appeared before the Commission and expressed their views upon the law as it is and what, in their judgment, it ought to be.

After notice had been given to the public generally, through the press, and circulars had been sent to the members of the county councils and others interested and experienced in the working of the drainage laws, the Commission attended at the times and places fixed, and recorded the evidence given by all persons attending before them. From information received from the Clerks of Municipalities it appears that in more than one-half the counties in the Province little or nothing had been done in the application of the drainage sections of the Municipal Act. It was also learned, from the same quarter, that a start had been made in some counties, and, although slow progress had been made so far, yet it was the general desire to further drainage as much as possible

so as to realize, at the earliest date, the gains of more profitable and satisfactory cultivation. The interest taken by corporate bodies, in some cases, was shown by their sending a request for the commission to visit their county and take the evidence of themselves and others so as to enable the Commission, and through it, the Government, to understand their situation, the extent of their efforts to carry out the laws, and the difficulties they had met with in the working out of the various drainage schemes affecting their own ratepayers as well as those of other municipalities. The Commission, accordingly, visited those and other places, where the drainage laws had their greatest application and where the best evidence could be procured of the utility of the laws and suggestions obtained for the purpose of simplifying and improving them.

Eastern Ontario.

In the County of Dundas an important and fairly successful work, by way of the improvement of the Little Nation river, has been inaugurated, carried on and completed under the county council sections of the drainage provisions of the Municipal Act. This river forms the great highway for carrying to an outlet, the surface water from lands in the county of Dundas and several other counties. It is many miles in length and has high banks along the main river, as far up as the forks, where it divides into two branches. The banks, along the branches, are not well defined and during freshets the lands adjoining are frequently overflowed. Proceeding down stream from the forks one meets with wide and also narrow stretches. The latter generally indicate shoals and rapids, with a bed of stones, varying in size. Some of the stones are very large. The work done was principally in the rapids, so as to give greater depth at those places and thereby secure a more rapid flow of the stream. The high water mark, as indicated by the abrasion from floating ice of the outer bark of the trees growing along the banks, before the work was done, as compared with it since, shows that the water has been lowered over four feet. Below the village of Chesterville the banks are steep and come closer together than farther up stream, and leave a very narrow channel for the water to pass through. The rock and stones in the way render the making of this a perfect outlet for water almost impossible, within the range of any reasonable expenditure, but a very great deal may be accomplished towards its improvement by way of dredging the shoals and rapids as deep as the reaches above and below, and by the removal of all dams and other obstructions. It is sought, in most cases, to drain the lands on both sides of the river into it, under the Ditches and Watercourses Act. For this reason, it is almost needless to say, all the witnesses are opposed to the limit prescribed by the Act of going through the lands of five owners, and the fifty rod limit of assessment. They favor going from the watershed to the river and assessing all parties on either side whose lands drain or fall in the direction of the award drain. They have done very little under the municipal drainage provisions, and prefer constructing all their drains under the Ditches and Watercourses Act. In the improvement of the River Nation, they consider that the Governments of the Dominion and Province should bear a share, and it was proposed that each of the said Governments should pay one-third. It was contended, with considerable force, that the lands in the eastern counties are very different from those in the western section, and that a system of drainage laws that would be well adapted to one might not be suitable for the other. There can be very little doubt, as regards the expensive character of drainage works in land, where rock is encountered within a few feet of the surface. The great main drain, however, is furnished by nature and the fall to this main is, on the whole, fairly

good. The work already done by the improvement of the main outlet has already indicated the line leading to successful drainage, and whether the lateral drains are constructed under the Ditches and Watercourses Act or under the Municipal Act the surface water can be conducted to the river in much shallower drains than those required in the west, where the fall is slight and the outlets inferior. The difficulty of obtaining a majority of those interested upon the petition seems to have forced the people to resort to the one-man power provided in the Ditches and Watercourses Act. It is conceded that a more efficient drain can be made under the Municipal Act, where the contractor executes the whole work, than under the other Act where sections are made by different parties and most, if not all, of them inexperienced in that class of work. This, in our judgment, has greater force in its application to rock-cutting required in the east than earth excavation necessary in the west.

The three counties of Stormont, Dundas and Glengarry are united for municipal purposes, and have one county council for all three. The county of Glengarry inaugurated drainage works under the county council sections of the drainage provisions of the Municipal Act. The proposed works affected one municipality in the county of Stormont and that municipality was called upon to indemnify the counties' council, under sub-section 2 of section 600. The municipality refused to indemnify as required, and the drainage work for the improvement of what is called the River Beaudette was stopped and nothing further has been done. It is claimed that the voting power given by section 602 is a great hindrance to drainage works when undertaken by a county council.

From the evidence generally, in the different places visited by the Commission, it is manifest that one of the chief complaints is the delay and expense of the preliminary proceedings and the long-continued uncertainty before the drainage work is done.

The Commission held sittings at Iroquois and Chesterville in the county of Dundas; at Cornwall, where the counties' council was in session, and at Perth, where the county council of Lanark was interviewed. The evidence taken at these and other places will appear in another part of this report.

Central Ontario.

The only county in the central part of the Province visited by the Commission was the county of Ontario. At the urgent request of W. E. Yarnold, P.L.S., of Port Perry, the Commission held a sitting at Cannington, where some valuable suggestions were made. Our attention was here called to the difficulties presented in the Ditches and Watercourses Act. It was claimed, that there is very little use in having any provisions in this Act about getting all parties to sign an agreement before the engineer is brought on. The agreement, as provided, cannot, it is claimed, be enforced owing to the indefinite character of the form given in the Act, and particularly where roads are assessed as well as lands. The great hardship of taking a man off his own land for doing repairs was pointed out, and a remedy suggested in having the Act amended so that the engineer would be obliged to allow every man to repair on his own land, and apportion the work of construction in such a way as to do justice to all concerned. It was also considered advisable to provide for the incorporation of an award drain, in whole or in part, in a drain made under the Municipal Act. In such a case, proceedings under the award would have to be stayed at the earliest stage of the drainage proceedings under the Municipal Act so as not to have the award and the by-law conflict. Evidence was also given of the improper use of private drains by others leading into them, and thus depriving the owner of the drain of

part of the capacity given to it for his own lands. It is urged that power should be given to the owner of any private drain, which has been used by others, of bringing on the engineer to provide for giving additional capacity to the private drain below and assess all benefited, and at the same time provide by his award for the repairs of the same. Another source of complaint was the construction of a drain from swamp lands to an outlet, by the owners of land below the swamp, in which capacity was given for the natural flow from the swamp, and the surface water from the lands to be benefited below. Some years after, the land owners above and adjoining the swamp lands constructed drains leading into the swamp, and the result was that a great increase of water was conveyed to and discharged into the swamp and escaped into the drain made below, to the injury of those for whom this drain was constructed. This complaint has also been made in other places concerning the using of a municipal drainage work. The county council clauses were condemned, particularly the voting power given by section 602. The inserting in the Municipal Act of a form of petition is favored, on the ground that a great many by-laws have been held to be illegal on account of the petition being bad in form. The same difficulties experienced in the unlicensed use of private drains of others were shown to exist in tile draining and a remedy therefor requested. The general complaint against railway companies and the difficulty of crossing their lands with drainage works was endorsed and emphasized.

Western Ontario.

In this western section are included the counties of Haldimand, Oxford, Middlesex, Perth, Huron, Lambton, Kent and Essex. What is known as the Wainfleet marsh, in the county of Haldimand, embraces an area of several thousand acres. It is not confined to one township, and hence the difficulty of constructing drainage works affecting two or more municipalities arises. This same grievance is general throughout the western section of the Province. One sitting of the Commission, extending over two days, was held at the town of Welland. Objection was here taken to a majority being required on the petition, and persons signing same having power to withdraw from it and thereby causing the majority to be wholly cancelled, and, as a consequence, depriving the council of the power of proceeding any farther. It is argued that this should not stop the execution of the work, nor affect the validity of the proceedings, so long as the majority in acreage remains represented on the petition after such withdrawals take place. A grievance there is the draining of the land to and upon marsh lands, thereby increasing the volume of water over the marsh, and so rendering such lands more expensive to drain, unless power is given to assess the lands so increasing the burden on the marsh lands. In this section, drain inspectors have been appointed to do minor repairs to drainage works, and it is part of their duty to prevent the work being abused or interfered with by persons through whose land it extends. Should he find bars formed by the washing out of a private drain, bridges too low, fences impeding the free flow of the water, dams or other obstructions in the work, for which he considers the land traversed by the work responsible, then he notifies the owner or person in possession to remove or remedy the defects within a certain time, and if default is made the inspector does the work required and reports the cost to the council, and the lands liable therefor, and such costs are put on the collector's roll against the lands. They favor the substitution of the Referee for the county Judge for the trial of appeals from the court of revision in all cases. It is here considered unjust, to limit the length of an award drain to the lands of five owners, and they

suggest as an improvement the change from five owners to five township lots. Some are of opinion that the large drainage works should all be constructed by a contractor and the cost raised by assessment under the drainage provisions of the Municipal Act, and that the smaller or lateral drains should be constructed as award drains, and the persons interested should be allowed the option of doing their proper share of the work or paying the estimated cost of it. Reference is also made to tile drainage. It is found absolutely necessary to put in catch basins at the upper end of all covered or tiled portions of a drain. When the drain is through quick-sand, they put in slabs to support the tile, and cover the tile with tanbark; in heavy clay, they put straw over the tile and allow it to extend upwards on both sides so as to provide seams for the descent of the water to the tile.

In the county of Oxford sittings were held at the Towns of Woodstock, and Ingersoll. The witnesses in this county favor covered drainage work, whether constructed under the Municipal Act or the Ditches or Watercourses Act. This, however, does not apply to the improvement of creeks or natural watercourses. The objection to an open drain leading into a covered portion is fully brought out in the evidence of some of the witnesses. The complaints between upper and lower municipalities as to their relative rights in natural watercourses and their assessment for improving same, are loud and frequent. The litigation regarding the extension of the Reynold's Creek is referred to. Dereham is the upper township and South Dorchester is the lower. The latter is in the county of Middlesex, and the former in the county of Oxford. The same trouble has also been shown to exist between West Nissouri and North Dorchester. The township of North Norwich has a drain crossing the town line between that township and Burford, and it is claimed that the lower township, namely, Burford, positively refuses to repair the drain within its own limits, and although the assessment has been arranged between the councils the work has not been done; and the council of North Norwich has been advised that a petition was necessary to make their proceedings legal. East and West Zorra have spent more money in drainage works than any other municipalities in the country. The estimated cost in West Zorra will reach nearly $20,000, while the cost in East Zorra will exceed that amount.

In regard to appeals from the decision of courts of revision, where two or more townships are interested in the drainage work, it is strongly urged that the Referee be substituted for the county Judge. The reasons given for desiring this change are, that the decisions will be uniform and. at the same time, given by a skilled person, and after some cases are decided engineers and councils would in future be guided by the principles adopted by the Referee. It is further claimed for this suggestion that if adopted there would, in a very short time, be no appeals and costs would thus be saved.

In the county of Middlesex sittings were held at London, Strathroy, and Glencoe. At London evidence was given respecting an upper municipality seeking an outlet in a lower. Some were of opinion that the upper should be permitted to construct a drain far enough to obtain a fall, and it should be left to the lower to continue the drain or take the consequence of overflow and damage. This principle they would extend to private owners as well. Others would restrict the right of the upper township to draining as they wished into a stream, creek or watercourse without any liability for not conveying the water to a proper outlet. The question is asked what is meant by proper outlet? The proper definition would seem to be the safe conduct of the water in a drainage work to a discharge, where no injury will arise therefrom. The difficulty experienced in the repairing of Goverment drains was pointed out and a remedy

suggested of sending on an engineer to make new estimates and bring all government drains under the provisions of the Municipal Act. Some radical changes were proposed to the drainage provisions of the Municipal Act. It was recommended to remove the power from township councils and place the construction and maintenance of all drainage works in the hands of a joint commission, some of the members of such commission to be appointed by the Government and the remainder by the county council. The assessments made by the commission should be final, except when they saw fit to reconsider and revise them on an application made to the commission for that purpose.

Regarding the Ditches and Watercourses Act, it was argued that the application is frequently made by some person who is not the owner of the land, and to check this a declaration should be required from the applicant, that he or she is the owner of the lands mentioned in the requisition ; and the declaration when made should be fyled in the office of the clerk of the municipality in which the land lies. The assessment of all parties not adjoining the drain, says one, should be in money and not in work, and the same should apply to all persons seeking to make use of the drain after its construction.

At Strathroy and Glencoe complaints were made regarding the location and costs of drains constructed by the Government and the trouble and expense attendant upon crossing railroad lands. One witness proposed to take the power away from the municipal councils and place it in the hands of a Board of engineers to be appointed by the Lieutenant-Governor. Some argiculturists might be made members of the Board. Any three members of such Board should be given power to launch any drainage work. The cost of the commissioners he suggests should be paid by the Government of the Province. Others again do not go so far, but would advise associating one or more practical persons with the engineer for the purpose of laying out the drainage work and the assessing therefor. These would leave the power of adopting the report and carrying out the work in the municipal councils as now. Attention is also called to hardships upon upper lands of constructing and repairing drainage work in sections. There may in some cases be three or four different assessments upon upper lands before the entire scheme is complete. Others claim that the whole scheme should be commenced, carried on and completed under one by-law, whether it be for construction or repairs. It was claimed that the engineer should in his report make provisions for the erection or enlargement of bridges on highways across drainage works, and apportion the expense between the drain and the municipality. He should also provide for water-gates in fences crossing the drainage work. The trouble of working out the law in all cases where two municipalities are interested is commented upon. Allusion is made to the holding of courts of revision and the appeals therefrom. It is pointed out that the decisions of the court of revision are not communicated in any way to the appellants, and the time for appealing to the county Judge is too short. Complaint is made that county Judges do not decide cases coming before them by way of appeal from the decisions of the court of revision within a reasonable time, and as a consequence delay is caused in commencing the work. The county council clauses of the drainage provisions of the Municipal Act are condemned.

One sitting was held at Stratford, in the county of Perth. The evidence taken here was principally from a committee appointed by the county council. It was contended that the engineer should be given the power of considering former assessments, as well as the court of revision and county Judge. In support of this it was argued, that no man should be put to the trouble and expense of appealing from the engineer's assessment to the court of revision, in order that any former assessment for drainage work on the same land should be considered

and given effect to. They consider that it would be better to have no reference at all to the Assessment Act. The duties of the Court of Revision and county Judge should be inserted in the drainage provisions of the Municipal Act. In recommending this they think it would be easier understood by members of the council and more ready of reference. They favor the Referee, not only fixing the relative assessments which each township has to pay, where two or more municipalties are interested, but also trying an appeal from the court of revision. As the Act is at present the by-law may be finally passed after the close of the court of revision and any changes made by the county Judge can be given effect to in a supplementary by-law. They are opposed to this and say that the assessment should be settled before the by-law is finally passed. If there should be appeals to the county Judge, then they claim these should be disposed of and the corrections made in the assessments carrying out his decisions, before the by-law is finally passed. Trouble was experienced between two municipalities in different countries, namely, Elma in Perth, and Grey in Huron county. In the county of Huron one sitting of the Commission was held at Clinton. Here, as at Stratford, a committee of the county council appeared and gave their testimony. They complained of water being sent from the township of Elma in the county of Perth across the town line, and the lands on the lower side of the town line in the township of Grey injured thereby. They state that the law should be made clear to enable the council of Grey without any petition, to construct drainage work through or into any other municipalities until an ultimate sufficient outlet is reached, with power to assess all lands throughout the length of the drain and also the lands in Elma for causing water to flow or in any way using it. They further claim in common with many other witnessess, that the engineer should confine the assessment to the quarter, half or other sub-division of the lot containing the portion benefited by the drainage work. One of them however dissents from this, on the ground that the owner might refuse to pay the taxes on the sub-division containing the part affected and altogether abandon it, and under a sale for taxes it might not realize the arrears, and so entail a loss on the township. They also think there should be no appeal given from the decision of the Referee. His decisions should be final and binding, whether given upon the proportion to be contributed by municipalities or other matters coming within his jurisdiction. They ask that power be given to councils to fix by by-law the fees to which township clerks are entitled in connection with the drain under any Act, and add same to the cost of the drain. Under the Ditches and Watercourses Act they consider that the old drains constructed under the award of fence viewers should be included, but favor the Act being amended enabling small drains to be dealt with as under the old fence viewers' Act. The option, they say, should be given to construct a section of the drain or pay the estimated cost in money. Should the persons interested fail to agree at the first meeting, then one witness would recommend a money assessment only and the making of the drain by a contractor. It is reported that the county Judge of Huron is of opinion and has decided that the applicant has no right under the Act to have any part of the award drain made upon his land; he simply has the right to have the drain begin at his land so as to furnish him with an outlet.

The litigation between the township of Stephen and the Township of McGillivray is referred to. The facts of the case are shortly as follows. The township of Stephen in the county of Huron, on a petition from certain ratepayers, passed a by-law for draining part of the township of Stephen. This by-law was passed on the report of Mr. Coad, a surveyor, on a plan for opening a cut into lake Huron across the sandbar of the River Aux Sables at a bend, and dredging the river to a point some two or three hundred chains distant up

the stream to the junction of the Haycock creek in Stephen. This river forms the boundary between Bosanquet, on the west, and Stephen, McGillivray and West Williams on the east. Bosanquet is in the county of Lambton. The drainage scheme involved an assessment on lands in Stephen and Bosanquet, and also on lands in two other townships, McGillivray and West Williams, both in the county of Middlesex. The action was brought to compel McGillivray to pass a by-law to raise the amount assessed against that township and failed. The court held that it was only, if at all, when the works are done by a county council under the appropriate provisions of the Act that an adjoining township can under such circumstances be assessed.

In the county of Lambton, sittings were held at the following places : Sarnia, Petrolia, Forrest, Watford and Alvinston. The surface of the land in the greater portion of this county is level, but with an elevation above the natural water channels sufficient for all drainage purposes. In other parts the land is undulating and rolling. In the northern part of the county, such as the townships of Bosanquet, Plymton and Sarnia the trend of the surface water is in the direction of Lake Huron, but in the other townships the fall is towards the west and south-west and the surface waters find their principal outlet through both branches of the River Sydenham and their tributaries in Lake St. Clair. Part of the township of Moore drains directly into Lake Huron through Perch creek, while another section of the same township finds an outlet in the River St. Clair. A very peculiar feature, observable in this as well as in other countries in Western Ontario, is the fact of the banks of the large streams being in many instances higher than the lands adjoining. The fall on the surface of the land instead of being in the direction of the stream is in the contrary direction or away from it. This has the effect of forming so-called swamps where least expected, and the outlets of the swamps or lowland are to be found near the mouth of the stream, or in some other stream many miles distant. This fact makes drainage in many cases very expensive to the landowners at the head of the lowland, who have to resort to artificial drainage for the improvement of their land. There are large tracts of low, wet land in this country, notably in the townships of Brooke, Enniskillen, Moore, Sarnia, Dawn and Sombra, but strictly speaking there are no marsh lands such as are to be seen in the Countries of Kent and Essex,and no swamps as are to be found in the eastern countries of the Province. The nearest approach to marsh lands is in Bosanquet, where the Canada Company, some years ago, undertook to drain a large tract of land in that township which was nearly covered with water, by cutting a large drainage work from Port Frank, on Lake Huron, into and through Lake Burwell to the River Aux Sables. This work had the effect of partially reclaiming a great extent of land which otherwise would have remained useless for agricultural purposes. The more recent work of cutting a water-way from the River Aux Sables through the sandbar at what is known as the Grand Bend, and of the improvement of the river, is expected to have the effect of completely relieving these flooded lands, and of affording them a perfect system of drainage. It is understood that the soil is rich and fetile, and though the scheme has cost a large sum of money, the increased value given to the lands will far more than compensate the Company and others for the expenditure. Complaint is made by the council of the township of Sarnia, respecting an outlet claimed through a portion of the town of Sarnia, which was formerly a part of the township. The old drain in the township was an open drain, and when the corporation was extended to take in a part of the township that section of the drain, then within the corporation, was changed into a covered sewer. There is now an open drain in the township, and its only outlet is in the covered sewer which is to small to convey away the water ; no amicable arrangement can be

reached between the council of the township and that of the town, regarding the increase of the capacity of the sewer so as to furnish a sufficient means of discharging the water from the open drain above.

Attention is called to the construction of drainage works by a municipal council out of the general funds of the township, or upon a petition, when it becomes necessary to enlarge or extend for outlet into another township ; and it is suggested that power should be given to the Referee on the application of the council interested in obtaining relief, to make such an order as would furnish redress, and on such terms as to him would seem just and right. It is thought judicious where a drainage work affects more than the originating township, to give any other municipality affected the right to have an engineer of its own to look after its rights. The relative values of high and low lands before and after drainage is used as an argument in favor of assessing low lands higher than the upper lands. It is contended, that every facility should be given for draining lands and of conducting the water to an outlet where no injury to lands will ensue by reason of the work. For this purpose, it is said, no regard should be had to town or county lines, provided they exist across the natural face of the land or the course of the drain. It is also argued that the fact of a ravine intervening between the drainage work and lands above the ravine, which send by artificial means much more water through the ravine than came in a state of nature, should not exempt or relieve such upper lands from a proportionate share of the cost of the drainage work. Joint legislation by the Ontario and Dominion Governments is recommended to obtain relief against railway corporations.

It is contended that the Tile, Stone and Timber Drainage Act is the greatest boon conferred upon farmers by any Government. Wherever used it gives the utmost satisfaction and it is desired that more money be set apart for use under the Act. If double the amount could be obtained by a municipality it would be highly appreciated. One municipality has used up its full allowance, and the people are clamoring for more. No objection, it is urged, would be taken to a slight reduction of the interest now charged.

In the county of Kent sittings were held at Chatham, Ridgetown, Bothwell, Dresden and Wallaceburg. It was common knowledge that the south-western counties of the Province, Essex, Kent and Lambton, were those in which the Acts respecting drainage had received their fullest application, and, as a necessary result, constituted the principal field of litigation arising from the use and abuse of such laws. Within the county of Kent are large areas of marsh or flat lands and much of these have by drainage works been made into good farming lands. All the provisions of the drainage Acts of the Province have been brought into requisition in the construction of very large and other open drains, in the construction of covered drains and in reclaiming of low and marsh lands by embanking and discharging the enclosed waters by mechanical means, there not being sufficient fall for their discharge by gravitation where this method is employed.

Instances of this last class of work are the Pike Drainage Works in the Township of Raleigh, covering from four to five thousand acres of land, and the Skinner Drainage Works in the Gore of Chatham including about five thousand acres. Both of these works were inaugurated, carried on and completed under the supervision of Mr. W. G. McGeorge, P.L.S., one of the members of the Commission. Another scheme of the same kind is the Forbes Drainage Works in the Township of Tilbury East by which about six thousand acres are reclaimed and brought into cultivation. These works were constructed under the supervision of Mr. Augustine McDonnell, P. L. S., of Chatham. Other smaller works of the same class are in operation in the counties of Kent and Essex. There are still within

these two counties vast areas of marsh lands to be reclaimed and rendered tillable. It may be of interest to some to describe, in a general way, the application of this method of draining. The area to be reclaimed is first enclosed by an embankment made from material excavated at its sides. The dredge cut is made on the outer side of the embankment, so as to afford an outlet for the waters of the surrounding land and to avoid risks to the embankment from the burrowing of muskrats. It is thought that their work would be destructive were cuts holding water made on the inside near the embankment. This work is usually done by a floating steam dredge. After the land is enclosed, a large dredge cut is made inside the enclosed area from the point at which the water is to be discharged more or less centrally through the entire area, or perhaps along some road allowance, making the road from the excavated earth. From this cut others branch out where necessary until points are reached where smaller drains will answer.

At the point of discharge a wheel with radiating arms is erected. To the arms flash-boards are attached and these arms dip deep below the surface of the ground. The wheel revolves in a close and substantially built passage. Around the middle of the face of the wheel is secured a rack of cogged iron or steel segments into which a pinion is mashed. The pinion is on a shaft running across in front of the face of the wheel, and this is run directly by a powerful steam engine. The wheels examined by the Commission were 28 feet in diameter and from five to six feet wide, and, where necessary, they are run to make about three revolutions in a minute. The quantity of water discharged per minute would be represented by a ribbon of water from five to six feet wide, five to six feet deep and two hundred and sixty feet long. The wheel and machinery are enclosed in a substantial building. It is only run a short time, from one to two months in each year. From the speed of the discharge it will readily be seen that the large inner cuts are necessary to supply the water in sufficient quantity to feed the wheel. The advantage of using a wheel instead of a centrifugal pump is the saving of the expense of a skilled attendant. It is felt that this method of draining land has already passed the stage of experiment, and the law should make it as easy to undertake works of this class as any other drainage work.

In the county of Essex sittings were held at Windsor, Amherstburg, Harrow, Essex, Kingsville, Leamington and Comber. The counties of Essex, Kent and Lambton have derived immense advantage from drainage works. In most cases the lands are so situated as to require large and expensive main drains to lead the water to the ultimate outfall. As an instance of this, it may be mentioned, that the Township of Raleigh has under way the enlargement and improvement of one drain, known as The Raleigh Plains Drain, at an estimated cost of $56,000. This township is one amongst several in Kent and Essex, where, although the southern boundary is Lake Erie, owing to the conformation of the land, the drains head near that lake and discharge their waters into Lake St. Clair. The discharged waters pass through Lake St. Clair and the River Detroit into Lake Erie and after flowing a distance of one hundred miles or more may come within a mile of where they started. Again, in the townships of Chatham and Dover the lands lying between the Rivers Thames and Sydenham decline from the banks of these rivers, and the intervening creeks instead of reaching either of these rivers run nearly parallel to them. The highest land lies along the banks of these rivers and creeks; and instead of making drains to these rivers and creeks, it is often found best to make large drains running parallel to their general course, in some cases to Lake St. Clair itself, or until a point is reached so near to the lake that a cut from that point into the river or creek will be less affected by a

freshet. The flood height of water in the streams diminishes as the lake is approached.

Some witnesses in giving their testimony regarding the payment of costs in consequence of the petition failing by reason of withdrawals, are of the opinion that the costs should be paid by those withdrawing. It is, however, the general desire that the costs should be kept as low as possible, whether they are to be paid out of the general funds or by all the petitioners or by those who see fit to withdraw. The report of the engineer is for the information of the ratepayers on the drain as well as for the information of the municipal council. The evidence suggests and with great force, that those interested in the drainage work should be given the information contained in the report of the engineer at the earliest possible date, and before the report is adopted by the council, and before the by-law is drawn or published. It is said that the report should be filed with the clerk of the township, and a notice should be given by him to all persons assessed, stating the date of the council meeting at which the report would come up for consideration. At this meeting, the report would be read to all in attendance and the privilege should be given for those whose names are on the petition to withdraw if they so desired, and also give the privilege to those who have not signed the petition to do so at the same meeting. If a majority remained on, after the above privileges were granted, then the drainage work should go on; but if there be not a majority then have the withdrawers pay the costs incurred. Others suggest that the costs should be paid by all the petitioners, and others claim that they should be paid out of the general funds of the township. In any case, it is argued, the above procedure would reduce the costs to the expenses of the engineer, which would be a small amount compared with the publication of the by-law and other steps now sanctioned. It is urged that no large drainage works should be constructed along allowances for roads. There are a great many on road allowances at present, but objection is taken against its continuance. They say that no new drain exceeding about fifteen feet top and two or three feet deep should be located along a highway.

A very great grievance, it is said, arises regarding the non-completion of drainage works according to the plans and specifications of the engineer. The municipal council is the authority, which is by the statute vested with power to do the work, and it should be to their interest, as it is certainly their duty, to see that the ratepayers interested obtain for their money the drain as laid out by the engineer and communicated to them through his report. The council has the power of appointing a commissioner to see that the work is done by the contractor, according to the terms of the contract between him and the corporation, and should the contractor receive pay for a completed contract upon the certificate of the commissioner, when in fact the work is not completed, then the council is to blame and those interested in the drainage work should not suffer thereby, except as general ratepayers of this township.

Complaint is also made against municipal councils, regarding the method adopted for raising the money required for the completion of the drainage work. It appears that several councils have, in the past, finally passed the drainage by-law providing for raising the estimated cost of the drain, together with all incidental expenses connected therewith. Debentures are then issued and duly sold, and the proceeds are entered in the books of the treasurer of the municipality, to the credit of this particular drain. It is customary to name the drain after the person who first signs the petition for its construction. This enables the treasurer to keep an accurate account for each drain. The contract for the construction is let, and the commissioner appointed by the council has supervision over the work and upon his certificate the treasurer pays the contractor. As the

work progresses a certain per centage of the value of the work done is paid, and when the drain is completed the balance is paid. All the incidental expenses are also settled. The drain account when balanced shows a balance to the credit of the drain of say $1,000, in many cases it exceeds that sum. What should be done with this excess? There can be no doubt to whom it belongs, it is the money of the persons assessed for the drainage work. It is claimed, that councils, instead of paying the surplus out to the ratepayers on the drain, in the proportion of their assessment, make use of it for other township purposes, apart altogether from the drain to which it belongs, and when the last debenture of this drain becomes due, the amount of the surplus that is $1,000 is taken out of the general funds and applied in payment of it. The result is, that the township gets the benefit of the funds of the drain, without interest, during the currency of the debentures. When it is remembered that the debentures may run for any term within twenty years, it appears almost incredible, that any municipal council would so far transgress its plain and manifest duty. If such be the case there can be no better ground of complaint, and the request, to have the law amended so as to make it compulsory for councils to refund the excess or pay it on the first debenture falling due, is only reasonable and just.

CHAPTER III.

PETITION.

Section 569 of "The Consolidated Municipal Act, 1892," provides as follows:

"In case the majority in number of the persons, as shown by the last revised assessment roll, to be the owners (whether resident or non-resident) of the property to be benefited in any part of any township, city, town or incorporated village, petition the council for the deepening or straightening of any stream, creek or watercourse, or for the draining of the property (describing it) or for the removal of any obstruction which prevents the free flow of the waters of any stream, creek or watercourse, as aforesaid, or for the lowering of the waters of any lake or pond, for the purpose of reclaiming flooded land or more easily draining any lands, the council may procure an engineer or provincial land surveyor to make an examination of the stream, creek or watercourse proposed to be deepened or straightened, or from which it is proposed to remove obstructions, or of the lake or pond, the waters of which it is proposed to lower or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or surveyor, and an assessment to be made by such engineer or surveyor of the real property to be benefited by such work, stating as nearly as may be, in the opinion of such engineer or surveyor the proportion of benefit to be derived therefrom by every road and lot, or portion of lot, and if the council is of opinion that the proposed work, or a portion thereof, would be desirable, the council may pass by-laws, etc."

We will consider the provisions of this section separately and in the light of the evidence bearing upon them.

Majority in Number of the Persons.

Two witnesses Shepley and Radmore are of opinion that this should be a two-thirds majority, while Brown, P.L.S. favors one-third in number; Willoughby says a half dozen persons may suffer and not be able to

get a majority and HANDS complains of this as a great difficulty in the way of drainage, and claims that two persons should be enough on the petition, and he favors the taking away of the power of the people altogether to initiate drainage works on account of drainage being delayed by having the power with them. The principle adopted in the State of Illinois of combining persons and acreage is recommended by a few. By the Statutes of Illinois 1891, a majority of persons and one-third the number of acres within the drainage district are required to be represented on the petition. RICHMOND says: "I would say that the land that was benefited should be taken into consideration as well as the number of names. I would combine the ownership and the acres. I think the majority of acres should be the proper way." GAMBLE and DOLBEAR give an option between a majority of persons, and a majority of acres. Most of the witnesses upheld the majority principle as stated in the section but would exclude farmers' sons who are not real owners. STEWART, DOUGLAS, CRUICKSHANKS, STEPHENS, STEDMAN, HAINES, RAE, MCCARDICK, COLEMAN, MCDOUGALL, WIGLE, MCCAIN and VOGLER support the provisions of the section.

SHOWN BY THE LAST REVISED ASSESSMENT ROLL TO BE THE OWNERS.

By sub-section (2) of section 14a of "The Consolidated Assessment Act, 1892," it is provided that "every farmers' son *bona fide* resident on the farm of his father or mother, at the time of the making of the assessment roll, shall be entitled to be, and may be, entered, rated and assessed on such roll, in respect of such farm in manner following: (a) If the father is living and either the father or mother is the owner of the farm, the son or sons may be entered, rated and assessed in respect of the farm, jointly with the father, and as if such father and son or sons were actually and *bona fide* joint owners thereof, etc."

Under this provision making farmers' sons actual and *bona fide* joint owners with their father, rated and assessed as such on the assessment roll, they must be counted for or against the petition as the law now stands, but the whole tenor of the evidence on this point is against farmers' sons counting either in favor of the petition or opposed to it. The prevailing opinion is, that as the petition lays a foundation for encumbering the real property, only such persons as are the *real and actual* owners, and not made such by statute, should have a voice in determining whether the encumbrance should be placed on the freehold for its benefit, and if this view be sound then neither should farmers' sons defeat the project by opposing or counting against the petition.

WHETHER RESIDENT OR NON-RESIDENT.

By section 30 of "The Consolidated Assessment Act, 1892," it is provided as follows: "As regards the lands of non-residents who have not required their names to be entered on the roll, the assessors shall proceed as follows: (1) They shall insert such land in the roll separated from the other assessments, and shall head the same as non-residents' land assessments.

(2) If the land is not known to be subdivided into lots, it shall be designated by its boundaries or other intelligible description.

(3) If it is known to be subdivided into lots, or a part of a tract known to be so subdivided, the assessor shall designate the whole tract in the manner prescribed with regard to undivided tracts; and, if they can obtain correct information of the subdivisions, they shall put down in the roll, and in a first column, all the unoccupied lots by their numbers and names alone, *and without the names of the owners*, beginning at the lowest number, and proceeding in numerica

order to the highest; in the second column, and opposite to the number of each lot, they shall set down the quantity of land therein liable to taxation; and in a third column, and opposite to the quantity, they shall set down the value of such quantity, and, if such quantity is a full lot, it should be sufficiently designated as such by its name or number, but if it is a part of a lot, the part shall be designated in some other way whereby it may be known."

From this quotation, it appears manifest that no *names* of non-residents, who have not required their names to be entered on the assessment roll, will appear on the last revised assessment roll. It necessarily follows, that the term non-resident as qualified by the name being on the last revised assessment roll, can only refer to those who have availed themselves of the privilege of requiring their names to be entered in the roll, and the names have in fact been entered in pursuance of such request.

George Robinson, reeve of the township of Romney, suggests that residents only, should be allowed to petition, neither would he allow non-residents to count in opposition to the petition. *Wigle* and *McCain* believe the fairest way is to include resident and non-resident whose names appear on the last revised assessment roll. Coleman, who is a civil engineer favors the residents and non-residents with the further precaution against farmers' sons, of having each person signing the petition make a statutory declaration that he or she is the real owner. He also favors an agent under power of attorney, executors and guardians of an estate having the same rights as an owner.

Property to be Benefited.

Does this mean the property of those directly benefited only, or does it mean the property of those benefited directly and also those benefited by way of outlet improvement?

If the former, then those who may be assessed for outlet have no right to sign the petition, nor should they count against it. Lister, Q.C., of Sarnia; Douglas, Q.C., of Chatham; Baird, P.L.S.; Stewart, Clerk of Raleigh; Cruickshanks and Willoughby are strongly in favor of this meaning. If however, the latter is the true interpretation of the words as used in the section, then those assessed for outlet would count for and also against the petition. This view has received judicial sanction in the case of Robertson against The Corporation of the township of North Easthope, 15 Ontario Reports, page 423. The learned Judge before whom an application was made to quash the drainage by-law in the course of his judgment said: "It seems to be a matter of doubt as to whether the petition must be signed by a majority of the owners of the land mentioned in the petition only, or whether, when other lands are added by the engineer's report, as being benefited, the names of a majority of the whole of the owners of all the lands included in his report must be found attached to the petition.

"The authority of the cases of re *Montgomery* and *Raleigh*, 21 Common Pleas 381, and re *White* and *Sandwich*, 1 Ontario Reports 530, in which the former view was taken, if not actually overruled by the later case of re *Romney* and *Mersea*, 11 Appeal Reports 712, and re *Dover* and *Chatham*, 12 Supreme Court Reports 321, must be taken to be very much shaken and I think the meaning of this section may, since the later cases, be taken to be at all events open to that which seems to me to be its proper construction, viz.: That the petition should include a majority of all the persons whom the engineer finds to be benefited by the proposed work, and therefore that if the lands benefited extend so far beyond those mentioned in the petition as to reduce the majority to a minority, the

council should not proceed with the matter without obtaining the consent of a majority of the whole."

This case was afterwards carried to the Court of Appeal and is reported in 16 Appeal Reports, page 214.

The Chief Justice of Ontario in delivering his judgment, among other things said: "An examination of the evidence compels us to accept as correct the finding of our learned brother STREET, that a majority of the landowners of property to be benefited by the drainage by-law, had not petitioned for it; that in other words, the groundwork and foundation of the jurisdiction of the council did not exist."

In emphatic language GWYNNE, J., in Township of Chatham against Township of Dover, 12 Supreme Court Reports, page 321, at page 338 says: "The preliminary essential condition precedent to give the council jurisdiction to take any action which could have any binding effect whatever upon any persons sought to be made chargeable with any part of the cost of such a work, is, that a petition should be presented to the council, praying for the performance of the proposed work, describing its nature, and signed by a majority of the owners of the property to be benefited by the proposed work."

We cannot be too careful, and we think the council should be equally careful, in requiring that this essential foundation should always exist before such very serious interference with the rights of owners of property should be undertaken.

The majority is allowed the right of binding the minority, but there should be no reasonable doubt allowed to exist as well of the existence of such a majority, and of its being signified in the manner required by law. I fully agree with the learned Judge when he says: 'The petition should include a majority of all the persons whom the engineer finds to be benefited by the proposed work, and, therefore if the lands benefited extend so far beyond those mentioned in the petition as to reduce the majority to a minority, the council should not proceed with the matter without obtaining the consent of a majority of the whole.'

In the case before us, it would appear that there was not an actual qualified majority of the owners of the lands mentioned in the petition, nor of those (included) afterwards reported by the engineer as benefited and ultimately settled in the schedule to the by-law. In all cases of this kind largely invading the rights of private property, it should, I think, be incumbent on the council to be certain beyond speculation, or guess work that a majority of those interested had clearly sanctioned the proposed work, so as legally to found jurisdiction to bind a dissentient minority.

It may often happen that the result of the survey shows a much larger area of land to be benefited than that designated in the petition.

There ought to be, in my judgment, an absolute majority of all owners declared liable to assessment and contribution before those opposed to the scheme can lawfully be bound, The by-law now in question is one largely dealing with private rights and property, and is, as I consider, wholly dependent on the statutable preliminary conditions being observed before it can acquire any authority."

Mr. Justice MCLENNAN, in delivering his judgment, among other thing said: "I agree in the judgment of the learned Chief Justice. The first question is, whether the petition was signed by a majority of the persons as shown by the last revised assessment roll to be the owners (whether resident or non-resident) of the property to be benefited as required by statute. The assessment roll, so far as it relates to the lands mentioned in the petition as lands to be benefited

is proved by a copy certified by Mr. Fisher, the Township Clerk, and the number of owners shown thereby is plainly fifty-nine. The number of names on the petition is thirty-one, but three of these were disqualified and were not entitled to sign it, or to be counted. They were John B. Schmidt, whose name was not on the roll at all; Levi Cook, who is assessed upon the roll as a land owner's son only, and William Doetzert, who is assessed on the roll as a tenant and not as an owner.

It is as plain as anything can be upon the roll verified by Mr. Fisher, that the total number of such owners as shown by the roll was fifty-nine, and it would require thirty signatures at least to make a majority.

So far, therefore, as the original petition is concerned, the subsequent proceedings of the council are, in my judgment, without any pretence of justification. It is contended, however, that the report of the engineer has made a change, both in the number of names entitled to be counted as petitioners, and also in the total number of persons to be benefited by the proposed works, and this is true. I am clear, however, that there is still not a majority of the whole number of names in the petition.

The report of the engineer brings in three new names of persons to be benefited, and there are four to be taken off, which still leaves the total number fifty-eight. There is also one more name to be taken from the petition, namely, E. G. Oliver, who withdrew from it and signed a counter-petition before any action was taken by the council, which, I think, he had a right to do, so that the final number of petitioners is twenty-seven, and the number required to make a majority is thirty."

BURTON AND OSLER, J.J.A., CONCURRED.

The result was that the by-law of the township was quashed and costs were given against the Township.

IN ANY PART OF ANY TOWNSHIP.

In re *Montgomery*, and *The Township of Raleigh*, 21 Common Pleas 381 at page 395, Mr. Justice GWYNNE, in the course of his judgment said: "In some future case it may become necessary to determine what majority is sufficient to procure the action of the Council. Four concessions in a township may be interested, in different degrees in a work which would drain *all the lands* in those concessions, but it might be of more importance to the owners of the lands *in one* of those concessions than to all the owners of land in the other three to procure the construction of the work. As at present advised, we do not see that a majority of the resident owners in the one concession would not comply with the terms of the Act, namely: "In case a majority in number of the resident owners, as shown by the last revised assessment roll, of the property to be benefited in *any part of any municipality* do petition the council etc."

The above decision was given in the year 1871 upon the statute as it then stood. The judgment was cited with approval in 1882, by Mr. Justice Sir M. C. CAMERON, in re *White* and *The Corporation of Sandwich East*, 1 Ontario Reports 530, at page 534, he quotes from the former judgment that portion above set forth and proceeds, "It may be, and perhaps was, the intention that, on a petition by certain owners of land wishing to have their lands drained, or by a majority of the owners of the lands the petitioners wished to have drained, the council might in its discretion, incur the expense of procuring an examination to be made by an engineer or provincial land surveyor of the locality to be drained, and of the plans and estimates of the work and assessment of the real property to be

benefited, and then, if on the report of the engineer, the council should be of opinion the work would be desirable, it should have power to perform it, and impose the burden of paying for it upon all whose lands would be benefited, quite irrespective of the petitioners or the owners of lands they wished to affect. This would seem to be the view that has in practice been acted upon, or it may be, that the Legislature only intended to permit the imposing of the burden of paying for such work upon the lands designated in the petition, and the council, before acting on such petition, should inform itself by the report of an engineer whether it would be desirable, having regard to the extent of the work and the value of the lands to be benefited—that is, the land designated in the petition—to incur the liability on the part of the municipality of borrowing the money required to pay for the work. The Court of Common Pleas in the judgment referred to, seems to adopt the former view, as Mr. Justice GWYNNE in the case put by him of four concessions being benefited, said: 'As at present advised we do not see that a majority of the owners in the one concession would not comply with the terms of the Act,' that is, that a majority of the owners of land to be benefited in one concession by petitioning would empower the council to impose the burden of paying for the work on all the owners of land benefited in the whole four concessions, and to pass the necessary by-law therefor. In that view the petition in this case is not open to objection, nor is the by-law based upon it."

DESCRIBING IT.

These words occur in the section under review in parenthesis following the clause for the draining of land, thus: "Or for the draining of property (describing it)." Doubts have arisen as to the application of the words "describing it." There have been three views advanced:

1st. The words apply only to the clause to which they are attached. In support of this view, it is said that the pronoun "it" refers to the noun "property," one word removed from it and consequently, the phrase "describing it" controls the draining of property alone, and has no application to the clause preceding which provides 'for the deepening or straightening of any stream, creek or watercourse." Again, in no case can the phrase be said to control the clauses which follow it, which provide "for the removal of any obstruction which prevents the free flow of the waters of any stream, creek or watercourse," and "for the lowering of the waters of any lake or pond."

2nd. Others contend that the phrase applies to the clause to which it is directly attached, and also to the preceding clause "for the deepening or straightening of any stream, creek or watercourse." Those make the pronoun "it" apply to the property to be benefited in the third line of the section. They agree with the views expressed above, that in no case can the phrase be made to apply to the clauses following as to removal of obstructions and the lowering of a lake or pond.

3rd. There is still another application given to the words, namely: They control both the clause preceding and also the clauses following as well as the clause in which they are inserted. This ground is supported by looking at the evident object of the section, and the scope of the drainage provisions of the statute, all having in view the benefit to lands. This benefit may be brought about by the construction of a drain, by deepening or straightening a stream, creek or watercoure, by removing obstructions from same, or by the lowering of the waters in a lake or pond. It may be that in one case, two or more of such works might have been executed in order to confer upon the owners of the land the benefit which they seek by petitioning under the Act. The description of

the land to be benefited should be given in every case, and it would then be for the engineer to say what was required under any of the clauses contained in the section, in order to benefit the lands described in the petition, and convey away the surface water so that it would not injure the lands described nor damage any other lands in its course to an outlet.

J. F. Lister, Q.C., of Sarnia, is of opinion that the law should be amended so as to authorize the cleaning out, straightening and enlarging of natural water-courses, so as to give them capacity to carry off to a proper outlet all the water brought into them and to charge the cost upon all lands draining into them, as well as other lands benefited without any petition.

Coleman, Volger and others suggest that a form of petition should be given in the Act as a guide to its requirements under section 569.

The Council may Procure an Engineer or Provincial Land Surveyor to make an Examination, etc.

After the petition duly signed is presented to the council, the next step in the proceedings is to send on an engineer or provincial (now changed to Ontario) land surveyor to make an examination, provide plans and estimates and make an assessment, all of which are to be embodied in a written report to the council.

The great difficulty presented in this part of the section is the scope of the engineer's duties in making the assessment. By a subsequent provision in the section he is confined to the "lands to be benefited." What are such lands? Are they simply the lands designated in the petition, or are they in addition to those described in the petition any other lands to be benefited by the proposed drain in the same way as those mentioned in the petition are to be benefited, and still other lands for which an improved outlet will be furnished when the proposed drain is constructed? Should the engineer be restricted to the lands designated in the petition, then an injustice may be done to the ratepayers within the area so described, by reason of other lands being benefited outside o such area to as great an extent and perhaps greater than some lands immediately within the area, and also by an improved outlet being supplied for drain already constructed in the locality above. If these two classes be left out of consideration altogether by the engineer, then the ratepayers within the prescribed area would be providing a drain at their own expense, which would confer a benefit on persons wholly foreign to the enterprise. Under such circumstances, they might fairly say, we have considered our position and we are quite willing that any lands lying outside of the area we petition for, may derive what incidental benefit the drain may confer until the owners seek to drain such lands by leading water into the drain we are asking for, and then we shall be able under other provisions of the Act, through the council and the engineer, to asses such lands their proper share for the construction and maintenance of the drain. As to the lands which are furnished with an improved outlet, the case is altogether different. The proposed drain has to be made of greater dimensions and of greater carrying capacity to provide or improve an outlet to an existing drain, and unless the persons using this upper drain can be assessed and charged with some part of the cost of construction, then they could never be reached even for maintenance, and the result would be they would use and get the benefit of what they never paid anything for. Again, if the assessment for providing or improving an outlet be considered a benefit under the section we are considering, then those who would be assesssed for outlet would very rarely sign the petition but would count against it, and this would make it almost impossible to obtain a majority of both

those within the area defined in the petition and also those who would be liable for outlet assessment taken together. The only remedy for this is, to frame the law so as to remove all doubt upon the point by making the owners inside the area the only persons required to sign the petition, and if a majority of such owners be procured then the drain shall go on and the prayer of the petition be granted, and in case an outlet or improved outlet be furnished to the lands already using a drain above, then these lands ought to be assessed and charged a fair and proper sum for the use of the drain as an outlet, and they should neither count on the petition if they sign it, nor against it if they do not sign it. The same principal should be applied to the straightening or enlarging of a stream creek or watercourse or otherwise improving it, and also to the lowering of the water of any lake or pond.

Several witnesses consider it right and just to restrict the engineer altogether to the lands mentioned in the petition, and not allow him to go beyond them to assess either for benefit properly so called, or for benefit by way of improved outlet.

James McKinley, Ex-Reeve of Howard, says: "I think that property outside of that described in the petition should not be assessed by the engineer, or court of revision, or Judge, so as to deprive the petition of its majority. I would let it fall rather than take the risk. I would stick rigidly to that point and let the majority control."

George McDonald, Reeve of Howard, says: "With regard to whether the engineer should assess property outside that described in the petition and reduce the majority to a minority by taking in such outlying property, I think if he goes outside of the property mentioned in the petition and the effect is as I have said, it would destroy the petition. I am in favor of the majority ruling in every case."

John Reycraft, Reeve of Oxford, says: "I believe in assessing the men who get the benefit and only them. I don't believe in assessing for this they call outlet where the outlet does not benefit the men above. It certainly seems to be a grievous thing up in Howard. According to the law as I used to understand it, a majority of the petitioners living along the drain were called the majority for the purpose of signing the petition. Outside of that the engineer could assess anybody that he thought was benefited by the construction of that drain. I believe that these petitioners should embrace a majority of every man that should be taken in by the engineer."

Thomas Stedman, Ex-Reeve of Enniskillen, says: "I believe that the assessment for benefit and that for outlet should be separate and the benefit assessment should cease with the end of the work. The upper lands should not be assessed for outlet until after they have in some way beyond nature used the drain below."

Albin Rawlings, Ex-Warden of Lambton, says: "The scheme should be confined to the lands described in the petition."

R. J. McCormick, Warden of Lambton, says: "I would not assess high lands that are not benefited. Just the minute that the man on the high lands would cause water to go in there and get into that drain, he ought to pay something."

George Shirely, Ex-Warden of Lambton, says: "There should be a watershed provided for drains and I would allow the lateral drains to come into it. You know it just means this, those few people on these three or four thousand acres of land must make a drain big enough to carry off the water miles and miles beyond them. If they had only to make it for themselves it would not

require to be so large. All parties contributing water to a drain by artificial means, should pay in proportion to the use they make of that drain."

GEORGE WINTERMUTE, Reeve of Maidstone, says: "I think that low lands ought to pay the most for a drain. I would be in favor of the high lands contributing something. I believe the low lands are benefited more, but I also think that the high lands should contribute something whether they construct artificial drains or not." William Ellis, deputy-reeve, agrees with this.

GEORGE MORSE, Ex-Reeve of Mersea, says: "I don't think upper lands should be assessed until they use a drain as an outlet. It depends a great deal on the judgment of the engineer as to how assessments should be made. Where there is low lying wet land at the mouth of a drain, and higher land at the head of the drain, to the extent that it requires drainage, they should pay. I claim that the rule of benefit should apply there."

ALEXANDER BAIRD, P.L.S., says: "I don't think the petition can be improved on, only that it should be a majority of the locality described, but the engineer should have the power to assess all parties which he finds draining in and are benefited, that is outside of the described area. Here is a locality that wants a drain, and they get the majority to drain that locality; but these other parties probably may be the cause of the locality requiring to be drained, and still they are left right out. I would assess for outlet the uplands and lands lying adjacent to the area described in the petition, but the parties so assessed would not count for or against the petition. In the schedule of assessment there should be separate columns, one showing for direct benefit and the other for benefit by way of outlet."

THEODORE WIGLE, 15 years Reeve of Gosfield, says: "The engineer's report should clearly distinguish between assessment for direct benefit and assessment for outlet or indirect benefit, and in the latter case he should give his reasons for assessing for outlet."

CHARLES FOX, 12 years Reeve of Gosfield South, says: "I think an engineer should show what land he assesses for direct benefit and what land he assessed for indirect benefit or outlet; he should make a distinction between direct benefit and outlet benefit. He should state his reasons in his report why he assesses for outlet."

DELOS R. DAVIS, Barrister-at-law, says: "I would allow the engineer to go beyond the area petitioned for in laying out his scheme, just because the persons who generally petition do not have the knowledge with reference to it. I would think that all the persons that were to be interested in a petition should have an opportunity at a meeting to see the report. I mean the people who have to pay. I would give an opportunity to others to sign the petition at that meeting, (that is when the engineer's report is brought in before the council) so as to make the petition good if parties desire to sign it. If the majority of all the parties interested did not sign the petition the scheme would fall as far as my judgment goes. Circumstances might arise that a lesser number than the majority would be sufficient, but it would be dangerous to interfere with the majority principle. Once the initiation proceedings were adopted at that meeting, the petition should be completed and nothing that subsequently occurred should affect it."

In answer to the question: Should property outside of that described in the petition be assessed by the engineer without rendering the petition bad, in the event of the majority being reduced to a minority by taking in such outlying property? Answers: The majority should rule—George Morris. Yes, the engineer should have the power—Bouteiller, Warden of Essex. It should not make petition bad, scheme should go on—Walsh, Reeve of Tilbury North. Should be assessed and petition remain good—Strong, Reeve of Rochester.

Engineer should assess all lands benefited notwithstanding the petition and lands therein described—James Clancy, M.P.P.

William Whitebread says: "The engineer should have power to bring in others benefited outside the lands described in the petition and should also decide under the circumstances whether the petition should remain good or not. Neither the court of revision nor the county Judge should have power to bring in any person or persons not already assessed by the engineer."

John S. Fraser, Barrister-at-Law and Reeve of Wallaceburg, agrees with Whitebread.

Hector McFarlane, Clerk of Ekfrid since 1850, except 5 years, during which he was Reeve, says: "I think it should be compulsory on the engineer to make detailed estimates. They should state the rate per rod or per yard. I think also that when he speaks of taxing people for benefit that the work for outlet should be in too. I find that engineers invariably tax us for outlet the same as benefit. The outlet as well as the benefit should be mentioned in section 569. I mean that the Act should set forth that engineers should have the power to assess for benefit and outlet, whereas it says benefit. I would provide for outlet and benefit both on the first construction of the drain. If it is not done in the start it is never done. I don't know that I can say very much about section 590. There have been a number of decisions given on that and I am not in possession of these decisions, and I don't know what they are, but I would just say that I always believed, and I believe it yet, if a private individual constructed a drain across his land sufficient to drain his land and contain the natural surface water flowing into it, that is all he should be required to do. If more water than the foregoing is caused by any means to flow into the said drain, the parties so doing should be put to the expense of the enlargement, it matters not how far down it is done. The same rule should apply to corporations and drains on a larger scale; the law should be framed to carry out the spirit of the foregoing. The lower men should be left in as good a state as if the upper men had not speeded their water. Upper lands should not have the right to make private drains on their lands leading into any stream, creek or watercourse without being liable for outlet assessment."

Patrick F. Strong, Reeve of Rochester, agrees with McFarlane in providing for benefit and outlet in first construction.

Benjamin Watterworth, 13 years Reeve of Mosa and ex-Warden of Middlesex, says: "The engineer should in his assessment for the drain set out in his report the assessment for benefit as well as the assessment for outlet. There are cases where the upper lands should pay pretty much for the expense of the drain. The low lands furnish the outlet and should have very little to pay. If parties who are high use a drain as an outlet and speed their water into it, they should pay for the construction of it. I don't see why lands that are 40 or 50 or 60 feet above where the level of the land is, and which have no drainage system whatever, but are simply using the natural runs or courses of the water, should not be assessed for outlet in the construction of the drain, if their land empties all the water into this drain. I think in any case where an assessment is made by an engineer for outlet he should, in his report, state in what way the lands have used artificial means to hasten or increase the flow of water so as to make them liable for assessment for outlet."

Singleton Gibb, Reeve of Mosa, says: "I would not assess for benefit any further than the work extends. It would not be fair. I would think that in any case where an assessment is made by an engineer for outlet he should, in his report, state in what way the lands have used artificial means to hasten or increase the flow of water so as to make them liable for assessment for outlet."

GEORGE ROSS, P. L. S., Town of Welland, says: "It should be made clear that lands that are drained should be assessed for outlet at the time the drain providing the outlet is constructed, and under the same by-law. The way the proposed amendment provides would suit me. The assessment for outlet should extend up until the head of the uppermost branch is reached, whether there are connecting links of natural ravines or streams or not. Benefit and outlet assessment should be separated in the engineer's report."

WILLIAM COLYER, 3 years Reeve of North Oxford, says: "I would give the upper lands the privilege of straightening a stream or watercourse without assessment or outlet. If water is brought in from above in greater volume on more quickly than nature sent it and affects the land below, then they should be assessed for outlet."

HENRY HARDY, Reeve of Caradoc, says: "Had difficulty in the mode of assessing by the engineer. We had high and low lands interested. The high lands in my judgment were overcharged in proportion to the assessment of low lands. The upper lands, with sufficient fall, should not be assessed at all. The lands above, when they drain artificially, should be assessed for their outlet in the lower drain without which their water could not reach an outlet, unless they have previously been charged for the construction."

JAMES NORTHCOTE, Councillor of Caradoc, says: "Engineer should give reasons for assessing for benefit, outlet and cut-off. If uplands by artificial means cause water to flow in addition to the natural flow, then they should be assessed something for the carrying of such excess to a proper outlet. The water coming faster or in greater volume should make the uplands liable to some assessment for outlet. The lower drain should be made large enough to accommodate the drainage from upper lands, and charge the upper lands for the extra capacity given it for the waters from above, and all should be done under the one by-law for construction."

WILLIAM MANIGAULT, P. L. S., Strathroy, says: "The petition should be good although in the minority to enable a proper outlet to be reached and parties benefited along the course to the outlet, assessed for benefit Before you can carry to a proper outlet, the majority on the petition is exhausted and no sufficient outlet is reached. The moment the upper lands, by artificial means, increase the natural flow, then they should pay outlet assessment. Speeding water or increasing the volume should render liable for assessment for outlet."

W. S. CALVERT, Reeve of Metcalfe, 5 years, says: "The lower lands should pay for the drainage and the taking from the upper lands the natural flow, but any enlargement required by reason of artificial drainage above should be paid for by the upper lands. For outlet, the nearer the outlet, the less they should pay."

W. G. WILLOUGHBY, Clerk of Brooke, says: "The engineer in one case in our township interpreted the law that he could assess for outlet, and he brought in a number of other lots, thus turning a majority into a minority, and also assessed parties for the construction of a drain that by no stretch of imagination could be either benefited or injured by its construction or non-construction. This vague meaning of the drainage law should be remedied. The engineer in this case was of the opinion that parties assessed for outlet did not count against the petition. This point, too, should be made clear, and I am of opinion there are cases where they should not count, for if they did they would always be an obstacle in the way and a bar to drainage and prevent much needed improvements from being made."

THOMAS M. BROWN, 20 years in Council, 4 years Reeve and 9 years Deputy-Reeve, Sarnia Township, says: "An engineer in his assessment for a drain to be

made should set out in his report the assessment for benefit as well as the assessment for outlet. In any case where an assessment is made by the engineer for outlet he should, in his report, state in what way the lands have used artificial means to hasten or increase the flow of water so as to make them liable for assessment for outlet. Upper lands should be able to remove logs, brush, etc., and clean out to the natural bed stream, creek or watercourse, without making them liable for outlet assessment. Upper lands should not have the right to straighten any creek, stream or watercourse without making them liable for outlet assessment, they should be assessed something; neither should upper lands have the right to deepen or widen any stream, creek or watercourse without making them liable for outlet assessment. I would charge outlet assessment for repairs as well as for construction."

Robert Rae, Reeve of Thedford, formerly Reeve of Bosanquet for 28 years, Warden of Lambton County 6 years, says: "The report should give the reason for assessing for benefit, outlet and cut-off, and how much for each. I would make outlet assessments at the same time as the drain is constructed where any artificial means are used to either increase the volume or rapidity of the water from uplands and then to the extent of such increase over the natural flow they should be held liable for outlet assessment."

J. F. Lister, Q.C., Sarnia, says: "The engineer should have the right in his assessment to assess for outlet, cut-off and for causing water to flow, distinguishing each class of assessment in his report, and that all benefited as above from any of the same causes should be assessed for the cost of constructing and keeping in repair."

William Douglas, Q.C., Chatham, says: "Section 569 should be amended by the substitution of the following words, *which is injuriously affected by water and which require drainage, and is to be directly benefited by the construction of the work asked for*, in lieu of the words, *to be benefited*, in the third line of said section."

Matthew Wilson, Q.C., Chatham, concurs in this.

L. E. Vogler, ex-Reeve of Zone, says: "The engineer, in his report, should set forth the assessment for benefit, for outlet and for cut-off clearly. He should distinguish one assessment from the other. The engineer should not be allowed to go out of the territory described in the petition for benefit, nor should the court of revision or county Judge in appeal; it would be unfair to the engineer because you limit him to those lots, and if you allow the court of revision to go beyond, it upsets his assessment altogether. The engineer ought to bring in lands within the limits of the petition, but omitted from petition by mistake."

F. B. Talbot, Bridge Commissioner for County of Middlesex, says: "I was on the drainage survey in 1886 through a portion of the township of Nissouri and the township of Dorchester. My idea is that every man directly benefited should be charged for that benefit, if that benefit is spread upon his lands by artificial means; whether it is in a stream or otherwise, I say they should be charged for any benefit they derive from it. In the first place they should at least be charged for the outlet whenever they see fit to use it. Well, then, about the upper lands in the upper townships, I am inclined to think under the existing law they cannot be assessed for a direct benefit now. If they are benefited by the work in a stream, creek or watercourse, they should be charged at once for the benefit. The upper lands that are benefited by a drain should contribute to the whole artificial work all the way down, or to artificial work done in the body of the stream for the purpose of carrying their water to a proper outlet. So far as it benefits them, I would charge them for their proportion. As Mr. McIntyre remarked, I think the existing law provides for that, providing it was entirely an

artificial work. I think every one of those lots should be liable for assessment over all territory where the majority of the owners are petitioners, and not as laid down in the Court of Appeal, that only the lands adjoining the drain could be assessed at the time of construction, that is for benefit. I don't think I would charge those at the head of the drain for outlet. I would charge them for any direct benefit they would gain by my work. Every line drain should be charged unless the lands had sufficient fall for their water to get away irrespective of the outlet at all. If a man must have an artificial outlet of any kind and he uses mine, I would charge him something. My principle is that where the uplands use a long stretch of drain for outlet purposes, in that case they should be assessed very much higher than where they use only a short extent of drain for outlet purposes. My view is that all these people within the tract described in the petition, they should be assessed in two ways. They should be assessed for direct benefit, that is if you dry their lands so that they can be used for pasture and charged for constructing this outlet at once. Charge both these assessments at once. These upper ones I wouldn't. I wouldn't ask them to pay at once for an outlet, but I would ask them to pay if they derive any direct benefit from my work, and I would assess them for an outlet if they used the drain. If a drain, when constructed, would provide an outlet for their water I would make the lands in the upper township liable for assessment for outlet at once, if they have their drains constructed. That is in the upper township. The parties in the lower township, outside of the tract described in the petition, if they see fit to use my work as an outlet to drain their lands then they should be assessed, or if they use it at any time."

William Nancekeville, Reeve of Dereham, says: "I am of opinion that when a drain is being constructed, all lands above which will have an outlet provided for their water should be assessed as well as those benefited along the drain, and the drain should be made of sufficient capacity to provide an outlet for all the waters from above. This would enable the whole drainage scheme for the locality to be provided under one by-law."

J. H. Reed agrees with Mr. Nancekeville.

W. F. Vanbuskirk, P. L. S., Stratford, says: "The drainage clauses should be amended so as to enable any township to make a drain and assess to the watershed above without the drain extending up to the watershed, but this only in the event of the work being used directly or through a natural stream, or creek or ravine or other connecting link between the drainage above and the drain to be made below."

John Gibson, Stratford, says: "All persons (not petitioners, up to the watershed should be assessed for an outlet at the time of the construction of the drain. I would make the assessment for outlet at the same time as the drain is constructed."

George Leversage, Stratford, says: "The law should be changed so as to make one by-law answer for the direct benefit given to the lands of the petitioners, and also for outlet. As long as the upper lands do not by artificial means send down water in great volume or quicker than nature sends it, they should not be assessed for it."

A. R. Macdonell, Reeve of Charlottenburg, says: "The drain when constructed should be made large enough to accommodate the whole drainage area and the upper lands should be assessed for outlet. All should be done under the one by-law."

George Kerr, Reeve of Osnabruck, says: "We enlarged the main stream of a creek at our own expense. It cost over $8,000, and the improvement extended above where a natural branch of the creek came in. Our work gives this

branch an improved outlet, and the owners of land on the branch have drained their land into it, and we have furnished a better outlet. These parties on the branch should be assessed and charged something for the work below the junction of the branch and the stream, and at the same time as the assessments are made on the main creek."

J. B. SNIDER, Reeve of Lancaster, says: "Neither the engineer nor the court of revision nor the Judge should have any power to go outside of the area described in the petition and assess for benefit. I think that the drain in a section of land should be made for the lands petitioning only, and the uplands should be assessed when they use the drain for an outlet and not before. If any artificial means are used to increase the natural flow from above whether over a flat or in a stream or drain, then to the amount of the increased flow over the natural the lands above should be assessed."

D. R. BROWN, P. L. S., Cornwall, says: "The engineer should not assess for benefit any lands outside of the locality described in the petition, except in going to an outlet, If the upper land owners have dug or require to dig to drain their lands, then if by such work the natural flow of water is or will be increased, in all such cases the upper lands should contribute to carry the water to a proper outlet. The assessment for outlet should be made at the time of constructing the drain to be used as an outlet."

GAVIN HAMILTON, Reeve of Ramsey, says: "If upper lands by artificial means assist nature in sending down water on lower lands, then they should be assessed for outlet so as to carry off the increase of flow over nature to a proper outlet."

ROBERT SMITH, Reeve of North Elmsby, WILLIAM PATTI, Reeve of Carleton Town, JAMES DONALD, Reeve of Dalhousie and North Sherwood, S. M. BARNES, Reeve of Smith's Falls, W. J. RINTOUL, Reeve of Darling, PETER MCPHAIL, Reeve of Levant, JAMES FERGUSON, Reeve of Montague, J. B. MCARTHUR, Reeve of Beckwith, all agree with the evidence given by Mr. Hamilton.

GEORGE SHIRLEY, Ex-Warden of Lambton, says: "If high lands on an elevation of 75 or 80 feet were to drain into natural ravines such as we have on the 12th and 13th concessions of Brooke, and these ravines carry the water down to the low lands I would make the people on the high lands contribute to the construction of the drain. I say that advisedly, and it will affect my boys and all that. It is a general necessity and I have a farm where it is intersected by ravines and I drain into them, and I do all I can to rush the water off my farm as rapidly as I can down into the drain."

The late SIR M. C. CAMERON in giving judgment in re *White* and *Sandwich East* already referred to on another point, says: "The objection that the surveyor did not take any lateral levels in ascertaining the land to be benefited, is quite untenable. Neither the council nor the court had or has anything to do with that. It is quite impossible to say that the mere omission to do this, assuming that it was not done, rendered it impossible for him to ascertain what lands were benefited by the work, and the question as to whether the lands are in fact benefited is one for the Court of Revision, or the Judge of the county court on appeal from the Court of Revision." Again, Mr. Justice STREET in his judgment in Robertson and North Easthope already cited says: "The next objection is that some of the lands included in the petition have been omitted from the engineer's report, and that lands which were not included in the petition have been included in the report. This objection, if it be one, might have been urged before the council, but was not, and I think it is too late to urge it now, but I think it is untenable, and that the engineer is not confined to the lands mentioned in the petition, nor is he obliged to include them all in his

assessment, but he may amend the description in the petition of lands to be benefited, provided the general scheme remains in substance the same."

The final objection is that the engineer appointed by the council did not himself do the work, but delegated to his son the duty of inspecting the properties affected and of assessing amongst them the cost of the drain. If this were made out, it would probably be a fatal objection to the validity of the by-law, and one to which effect should be given. The duties imposed on the engineer are, to a certain extent judicial in their character, and are such as he alone should perform. He is not, it is true, required to do with his own hand all the work from its inception to its completion, and he is at liberty, if he deem proper, to employ assistants ; but the work of examining and assessing the several parcels of land affected, for their due proportion of the cost of the drain, should be done by himself or under his immediate direction. The engineer here employed his son to assist him, but he swears that he himself made an inspection of each lot, and estimated how much each would be benefited by the ditch. He seems to have divided its length into sections, and to have charged the land in each section at a fixed sum per acre, as representing the amount of benefit it would derive from the work."

Both the objections above set forth were overruled and held untenable. Numerous extracts have been made from the evidence taken by the Commission in various parts of the Province visited, and although they bear upon section 590 as well as section 569 of the Act, it will readily be observed that the working of these sections will frequently come into play at one and the same time. Section 569 has already been given at length at the beginning of this chapter and it will be noticed that it provides for assessing lands to be benefited, nothing is said there about assessing for outlet, unless it be held that providing an outlet for water from lands above the upper end of the drain or improvement of a creek, stream or watercourse, or in connection with the lowering of the water in any lake or pond, is a benefit to such upper lands within the meaning of that section.

Section 590 provides for assessing for outlet, under certain conditions, which are clearly set forth in the judgment of Mr. Justice Osler in the case of : " In re Townships of Oxford and Howard, 18 Ontario Appeal Reports, page 496, but, modified by the amendment to the section during last session of the Legislature.

1. If a drain already constructed or proposed to be constructed by a municipality is used as an outlet or will provide when constructed an outlet for the water of the lands of another municipality, company or individual.

2. If from the lands of any municipality, company or individual, water is by any means, caused to flow upon and injure the lands of another municipality, company or individual. Then, without any petition, an assessment may be made " for the construction and maintenance of the drain so used or to be used as an outlet " in the first case above mentioned, or " for the construction and maintenance of such drain or drains as may be necessary for conveying from such lands the waters so caused to flow and injure the same " in the second case above mentioned.

The engineer appointed by the council having received notice of such appointment and also the petition for the drain or other work contemplated by section 569 or a copy of it, prepares himself for going upon the ground described in the petition, so as to provide means for relieving them from surface water to the best of his skill and ability. Before entering upon his duty he is required by statute to take and subscribe an oath or affirmation, namely : " I will to the best of my skill, knowledge, judgment and ability, honestly and faithfully and without fear, favor or prejudice against any owner or owners, perform the duty

assigned to me in connection with the above work and make a true report thereon."

He is now fully equipped for the work, and he is the only man who has to lay the foundation of an improvement to lands, which will make the owners of same liable for paying in taxes, extending over any period less than twenty years, the value of such improvement to their lands, and the incidental expenses connected therewith. There can be no interference with him on the part of the council, nor yet by the parties whose rights are in his hands. The only guide he has outside of his own knowledge and skill is the provisions of the statute applicable to the case in hand. With an imperfect guide he frames and settles the basis of assessments and in many cases the proceedings continue from step to step, report adopted, by-law drawn, provisionally adopted, published and finally passed, together with further steps of Court of Revision, and appeal to county Judge and after all, the testing process in an application to quash the by-law, and in how many cases does not the whole fabric fall to the ground, the only thing remaining being a struggle between the general ratepayers of the township and the ratepayers assessed for the work as to who shall contribute to the expense incurred as well by the building up as the pulling down!

Take the case submitted by Mr. Robert Kerr, Reeve of Osnabruck, already stated, where a stream was improved at an expense of $8,000 and the enlargement provided an improved outlet to a branch stream, and into this branch the landowners had drained their lands. Although the branch owners we will assume, did not petition, yet an improved outlet being furnished for the water from their land they are deriving a gain from the work on the main creek, and according to the evidence quoted they should pay something for it. The doubt however which we are now discussing is, after assuming that they should be assessed, should their names be counted for or against the petition? There should be left no middle course in this matter; they should either be counted both for and against the petition or they should not, and still be liable for assessment. The recommendation of the Commission is that they should neither be counted for the petition if on, nor against it if they do not sign and they should also be made liable to assessment, for a fair and just proportion of the expense of the work from the junction to the outlet and also for its maintenance estimated by the engineer upon the basis of the work required to provide for the increase in volume and speed of water over that which was brought down by the branch in a state of nature. This may appear to be an invasion of the principle generally supported by the evidence, that the majority should rule in every case, but such is only apparent, not real.

Take the same case as put by Mr. Kerr and suppose the lands on the creek branch were not improved or drained at the time the improvements were made in the main channel below the junction, it is quite reasonable and proper to say, that these lands should not be assessed at the time of executing the improvement. Some years after, all the land is improved and the branch is straightened, deepened and it may be widened to accommodate the extra water. We have then the using by the lands along the branch of the improvements made by the lands on the main stream, and it seems only reasonable that the lands drained into the branch should contribute something towards such improvement below the junction. If this be right then why should the fact of draining lands into the branch before the improvement is made below the junction differ from the draining in after the improvement is made? We are of opinion that there is no difference upon the evidence given and the justice of the case. Again, the lands drained into the branch after the enlargement is made in the main channel may be assessed and charged for the using

of such improvements, *without a petition*, then why should the lands drained in *before* the enlargement aforesaid be in any different position, and be entitled to count for or against the petition ? It seems to us clear that they should have no such right. The law should be made perfectly clear on this point, so that the guide of the engineer would lead with absolute certainty to the desired result.

The same principle should also be applied to all cases provided for by section 569, namely: The construction of a drain, the straightening, deepening, or otherwise improving any stream, creek or watercourse, the lowering of the water in any lake or pond and work carried on by embanking, pumping or other mechanical means.

The provision now in section 590 regarding causing water to flow upon and injure lands is quite satisfactory, but should be provided for in a separate section

The Council may pass By-laws.

Mr. Justice Gwynne in delivering his judgment in *Williams* against *Ruleigh*, on this point says: "I cannot concur, therefore, in the opinion expressed by the Court of Appeal to the effect that when the surveyor suggests the scheme of a drainage work it is for the corporation simply to carry it into execution. They must distinctly exercise their judgment as to adopting or refusing to adopt the scheme suggested, and if they do adopt it, it becomes their work and scheme and not their servants. We must, I think, in the language of Lord Watson in *Metropolitan Asylum District* against *Hill* 6 appeal cases, page 213, hold that where the terms of the statute are not imperative but permissive only, when it is left to the discretion of the persons empowered to determine whether the general powers committed to them shall be put into execution or not, the fair inference is that the Legislature intended the discretion to be exercised in conformity with private rights and did not intend to confer a license to commit a nuisance in any place they might select for the purpose.

And again: "The justification of the defendants depends upon their making good these two propositions. In the first place, that such are the imperative orders of the Legislature" (that they should do as they have done and is complained of) "and in the second place that they could not possibly obey those orders without infringing the private rights" (of the plaintiff as they have done). "If the order of the Legislature can be implemented without nuisance they cannot plead the protection of the statute, and it is insufficient for their protection that what is contemplated by the statute cannot be done without nuisance, unless they are also able to show that the Legislature has directed it to be done," Mr. Justice Strong concurred.

Debentures.

Sub-section 2 of section 569 provides for issuing debentures in sums of not less than $100.

George Wintermute, eight years Reeve of Maidstone, says: "There is one point I would like to call your attention to, for instance, a drain is estimated, we will say to cost $800 to $1,000, then those that are assessed are allowed to pay their assessments before the debentures are issued. Supposing that they all pay with the exception of $200 or $300, the by-law says that we are to run these debentures for some years. Now, I do not see any clause under which it is explicitly stated that we can reduce them under $100. It would burden those people and double it up in two or three years. I would say that the debentures might be reduced one-half, say $50."

JOSEPH DRUMMOND, eighteen years Clerk of South Colchester, says: "I do not see any reason why councils should be limited to the issue of $100 debentures under the Drainage Law; I think $50 would be better than $100." George W. COATSWORTH, Clerk of Gosfield South, agrees with DRUMMOND.

The change to $50 is recommended.

SALE OF DEBENTURES.

W. S. HOWELL, Thornyhurst, says: "Let it be enacted, that the clerk of the municipality shall give notice to each person assessed for drainage works, thirty full days prior to the passing of the resolution by the township council authorizing the sale of the debentures; such notice to contain the name of the owner and a description of the lands assessed, the amount assessed, the annual payment to be made, and the total amount to be paid, including the interest, with a notice to pay the amount assessed to the township treasurer, on or before the date named therein, failing which that the amount will be included in the debentures to be issued, after which there can be no such payment made."

JOHN HOLTON, Township Auditor, says: "That the surplus moneys are misapplied by councils. They should be applied to pay the first debentures, or refunded to the ratepayers, and the account squared. It is the rule in his township to apply the surplus to other purposes than the drain and pay it on the last debenture."

W. S. HOWELL already named, would favor it being compulsory on councils to amend their by-law as soon as the contract price is ascertained and reduce the schedules *pro rata* from the estimated cost to the actual cost.

CALVIN J. DOLBEAR, of the Township of Brooke, A. W. CURTIS, of the Township of Anderdon, ROBERT F. SEYMOUR, of the Township of Maidstone, and JOHN A. BUCHANAN, Deputy-Reeve of Tilbury West, support this view. This grievance will be considered under Section 573.

Sub-section 3 of Section 569.

Should the provisions of section 590 be combined with 569 then this subsection should be changed to suit.

Clause (A) the words "Under this section" in the second line should come out and leave the provision so that it will apply to any drainage works.

Clause (B) "Proportionably" should be "Proportionately."

Clause (C) This provision might work a great injustice to the tenant. Assume that at the time the lease is entered into, there is a drain constructed which benefits the land, and the annual payment of its drainage tax amounts to $100. The lease, we shall say, is for a term of five years at $300 per year with the option to the tenant of purchasing the land at the end of the term at $3,500. No reference is made to the drainage taxes in the lease, and therefore the landlord would have to pay them under this clause. At the end of the term the tenant exercises the option to purchase, how much has he to pay? He would pay the $3,500, and this clause adds on the $500 which the landlord has paid in drainage taxes for this land during the five years. In all the tenant has to pay $4,000. The injustice appears in this way: The land, at the time the tenant and landlord fixed upon the price, had the advantage of this drain and it would be considered by the tenant in arriving at the sum of $3,500. Again, the landlord would naturally exact more rent for a well-drained farm, or with facilities for draining, than he would were the drain not in existence, and the tenant by paying the rent, in all the sum of $1,500 for the term pays for the use of the drain, and if he

is obliged by statute to pay the landlord back what he has paid in drainage taxes during the term, he is made to pay for the use of the drain a second time.

Question—In cases of contract to purchase, or tenants with right to purchase, should the drainage tax for the years of tenancy be added to the contract price?

Answers—Yes, as he has the option and need not do so unless he likes, JAMES CLANCY, M.P.P.; "No, it should not be added," PATRICK F. STRONG, Reeve of Rochester; "No," WALTER WALSH, Reeve of Tilbury North: "This should be remedied," GEORGE MORRIS.

JAMES SERSON, says: "As to whether the drainage tax for the years of tenancy should be added to the contract price in cases of contracts to purchase or tenants with right to purchase. I understand the question and the law too, and I think that that should be left entirely with the owner and tenant to settle, without any statutory provisions at all. I don't think that is called for. If I am a tenant of yours and am aware that that tax is there, and I make a bargain with you I think, that if I give you the value of the place the statute should not put on another value."

GEORGE MCDONALD, two years Reeve of Howard, says: "I believe in giving tenants with the right to purchase, every chance in the world and in case they pay the price of the land, the drainage tax for the years of tenancy should not be added to the contract price."

WILLIAM WHITEBREAD, Contractor, Wallaceburg, says: "The taxes paid by a landlord during a tenancy, with the right to purchase by the tenant, should not be added to the purchase money, but the contract made between the seller and buyer, should be the price fixed between the parties. If the seller wants this as part of the contract, then let him put it in, so that the buyer may know for certain what he has to pay."

A. R. MACDONNELL, Charlottenburg, agrees with this. We recommend that the application of this clause be restricted to drains constructed during the tenancy.

Sub-section 5 of Section 569.

This should be adapted to suit the combination of sections 569 and 590, should they be combined.

Nearly every witness is in favor of leaving out reference to "The Assessment Act" and inserting in the drainage provisions of the Municipal Act the duties of the Court of Revision and county Judge.

Question—Should the duties of the Court of Revision and county Judge as to appeal from assessments be defined in the Municipal Drainage Sections instead of by reference to "The Assessment Act"?

Answers—Better to have no reference to "The Assessment Act": CLANCY, FRASER, STRONG, WALSH, BOUTIELLER, MORRIS, WHITEBREAD, CULVERT, WEST, SERSON, HECTOR, MACFARLANE, etc., etc.

It does not clearly appear from this sub-section whether roads and lands are included in the terms "real property" and "property" used in the section. Besides, the section is badly framed and should be remodelled, omitting all reference to "The Assessment Act," the machinery for appealing, both to the Court of Revision and county Judge, and their respective duties should be defined and inserted among the other provisions respecting drainage.

Sub-section 6 of Section 569.

"The engineer or surveyor, in assessing the real property to be benefited by any works under this section, need not confine his assessment to the part of a lot actually drained, but in order that the portion to be rated may be conveniently

ascertained, may make such assessment on the whole lot, or on the half, quarter, or other described part of the lot, if the person owning the part actually drained owns the whole lot, or owns such half, quarter, or other described part of the lot."

J. F. LISTER, Q.C., says: "The lands affected should be described in the sub-division of the lot containing the same down to 50 acres at least."

J. G. STEWART, says: "The engineer should at least describe a sub-division of the lot that will be benefited, or that should be assessed the same as if the lot were actually sub-divided. It is misleading to include a 200 acre lot in his assessment when, perhaps, only a small portion is liable. In the case of a subsequent sub-division the whole lot has to pay in equal proportions, and this has given rise to great injustice in many cases."

The view of STEWART and LISTER is supported by BOUTEILLER, WALSH, MORRIS, STRONG, MCFARLANE, GIBB, VOGLER, HIRAM WILSON, LANGFORD, WHITEBREAD, HAINES, RAE, RICHARDSON, ORCHARD, RICHMOND, PATTON, WIGLE, FOX, COATSWORTH, VESTER, etc.

WILLIAM DOUGLAS, Q.C., says: "Amend this sub-section by the addition of the following words thereto: "And the description of lot, or part of lot, as given in the last revised assessment roll of the municipality in which the land lies, or any part of such lot, as described, shall be a sufficient description for the purpose of any drainage works whatever and of any such petition, assessment, and by-law, but the said description may be at any time amended by the council of said municipality, Court of Revision, county Judge or Referee; and the engineer need not insert any more particular description of said lands, or part of any lands assessed than the description he finds in said assessment roll."

A drainage by-law was passed by the council of the township of Cavan, in the county of Peterborough, and in the schedule of lands assessed by the engineer some descriptions, as taken from the assessment roll, were not of any definite part of the lot or the whole lot, but simply "part of lot 10," "part of lot 11, etc." Upon an application made to quash the by-law it was held by Mr. Justice STREET that the by-law was bad, because the report of the engineer upon which it was founded, and which was embodied in it, described the lands to be assessed as "parts of lots" without more particular description. This decision is not directly in the line of the matter under consideration, and would apply with greater force against the assessment roll being made a basis for the description to be used by the engineer in his report, but it does apply to the suggested amendment made by Mr. DOUGLAS, and to the great need of accuracy in description on the part of an engineer, so that the lands can be made available by sale for the drainage taxes, if the owner of the land fails to pay them.

It may be that in some cases, the land might be of such an irregular shape as to make it next to impossible for the engineer to assess the quarter of the lot containing the lands affected, for example, gore lots; in the Township of Romney, in the County of Kent, all the lots on the westerly and northerly sides are gore lots.

The evidence is overwhelming in favor of the lands affected being confined to the sub-division of the lot containing the same, so that in case of a sale of part of the lot, the burden will be upon the sub-division containing at most 50 acres getting the benefit of the drain.

We recommend that this should be done as much as possible for, although it entails extra work upon the engineer and greater expense on the drainage area, still it is being done at the earliest stage in the proceedings, and may be the means of saving far greater expense in attempting to enforce the payment of taxes against lands imperfectly described and therefore illegally assessed.

Appoint Associates with Engineer.

GEORGE SHIRLEY, six years Warden of Lambton, says: "I have an idea sometimes in my head, perhaps it is pretty crude, that if a commission were appointed (and you know sometimes that it is necessary to take things off a person's hands for his own good), if a commission could be appointed of, say three practical men, in a county. Let those be appointed by a county council, which would be competent to select the best men in the county, where a drain is petitioned for, call on those men and let them report that a drain is necessary in a certain place, to drain a certain area, and they could have the advantage of the professional knowledge of an engineer, and let them report whether the drain is necessary there. They could report to the county council or to the municipalities interested. I would, democrat and all as I am, take certain things out of the hands of the people I would not let the majority crush out the minority. It might be made that the decision of those commissioners might be made final and binding with power to say that there should be a drain there, and it is in the public interest that a drain should be constructed in that place, and I think yet that the engineer is the most competent to make an assessment."

DAVID WILSON, ex-Reeve of Harwich, says: "Now, to get over these appeals, for I quoted that as an example, I would wipe out the Drainage Act altogether, and I would have an Act giving power to the people at their annual meetings to appoint two of the ratepayers and power given to the council to appoint one; I would call them a Board of Supervisors, and that they have the control of all drains, new or old, with the power also of employing an engineer if they thought necessary, and that they shall have power to assess the lands to be benefited for drains and that their decision shall be final. No appeals. I first gave you what appealing does and now I give you what I believe would do without appeals, these are examples, and you can take them for what they are worth."

JOHN CLARKSON, of Raleigh, says: "I would rather be in favor of a scheme somewhat similar to Mr. Wilson's, but instead of the municipality appointing a commission or electing a commission I would favor a drainage area selecting a a commission. The tract of country requiring the drain should be embraced in one drainage area and be controlled by one drainage commission, and this commission should have all the powers that the municipal council has at present in regard to drainage, that is, so far as employing the engineers, levying the assessment, holding Court of Revision and deciding all matters in fact in connection with the originating and construction of drains. The municipality should look after the raising of money. The drainage commission should be elected by the ratepayers of the drainage area. It is a matter of detail as to how long they should hold office. That could be arranged afterwards. The main thing, in my estimation, is to do away with litigation between municipalities, it is not only in the direct expenditure, but in the loss that the people sustain for want of the improvements that I object to."

JOHN A. BUCHANAN, Deputy-Reeve of Tilbury West, says: "I think in the construction of drains the council should be compelled to appoint one of their own body, the reeve or deputy-reeve or one of the council, to act with the engineer. They don't do it now. If anything goes wrong they shoulder it on the engineer; I think it should be compulsory. They are responsible to the people. The reeve or deputy-reeve should have it done. It is stated that the engineer having made the report and prepared the plans and specifications, gone over the lands and taken the levels and that sort of thing, that he is best adapted to tell whether that contract is carried out according to his instructions or not. I think that in the event of its not being carried out, according to his report, plans and specifica-

tions, that he should be held responsible for any damages that might occur in consequence of its not being complete. I have seen cases where insinuations were thrown on the engineers. I have seen cases where I found that the drain was not completed. The engineer is not responsible to the ratepayers."

ROBERT MCLEAN, Councillor of Colchester, says: "The engineers and parties interested, sometimes the council, they would go on with the work and have the work partly done, and to save themselves they would take the work off the parties' hands. When they make an application to have a ditch dug or cleaned out in future, I think they should name three commissioners who know all the land, and let them be commissioners on this piece of work to see that the work is completed and carried out according to agreement. The parties petitioning for the drain, or the cleaning out of the drain, should name the commissioners. I am in favor of doing away with the employment of an engineer, but I would give these commissioners power to employ an engineer to assist them."

JAMES GAMBLE, Reeve of Brooke, says: "I would favor the appointing of one or two practical men to be associated with the engineer in laying out the drain and in making assessments."

HENRY HARDY, Reeve of Caradoc, says: "I would want the engineer alone to lay out the drain but not to make assessments. Any good practical farmer is as good as an engineer. The council should appoint one and the petitioners another, who should be associated with the engineer. These three would make the assessment and the majority of the three would rule. In the report that those three would make out, let them give their reasons for assessing for benefit, outlet and cut-off. This assessment would be final and no appeal in any case."

ALEXANDER LEITCH agrees with Gamble.

ALBIN RAWLINGS, ex-Warden of Lambton, says: "The greatest complaint I have to make is leaving the matter to one engineer, and my plan would be to have a competent man from the neighboring township or, better still, one from each of two townships appointed by the township councils. These should be practical men to go with the engineer when making his survey for construction and making assessments. These local men in nine cases out of ten having both theory and practice would be better able to arrive at the true assessment to be levied on each lot according to the benefit. This would give general satisfaction and check disputes. I have seen $1,000 or $1,500 placed on men whose lands were benefited no more than men whose lands were assessed $500. Then the privilege should be given to appeal therefrom to the county Judge. The two practical men would have as much to say in the course of the drain as the engineer. The majority would rule; their expenses should be charged to the drain. The course of the drain as fixed by them should be final. These men should be paid the same amount as county councillors."

JOHN W. BELL, Bosanquet, says: "I agree with Mr. Rawlings and would favor the Judge trying the appeals in the municipality the appeals are from."

JAMES MCCARDICK, ex-Reeve of Bosanquet, says: "The petitioner should have the right to name two men to act with the engineer in examining the lands and making the report and assessment. The majority of those three would control. My view would be to make this final, and if not, then only give right of appeal to county Judge. The three should be restricted to the lands described in the petition. I would give a right of appeal from the course of the drain as fixed by the commissioners to the county Judge. Their report ought to be as full as possible so as to give all possible information to ratepayers as to why they are assessed. The report should be signed by a majority of the three. The engineer should have the right to repair up to $500, beyond that sum the three

commissioners should act and in both cases give a right of appeal to the county Judge."

Robert Rae, Reeve of Thedford, says: "I consider that it would be a good idea to associate with the engineer in the making of assessments two practical and disinterested men. The majority should rule and the report be good if signed by two out of the three. They should in their report state their reasons for assessing for each class of assessment, namely: benefit, outlet and cut-off, and should any lands be assessed for more than one, then the report should show how much the land is assessed for in each class."

David Brandt, Councillor of Bosanquet, and Donald F. McIntyre Councillor, agree with Mr. Rae.

Robert Weir, Brinston's Corners, says: "The present system should be abandoned. The engineer appointed by the council should go on and lay out the work without any petition, and let there be an appeal from his report to three engineers selected by the vote of the people whose lands are affected and to be drained, and their report and assessment should be final. I would suggest that instead of the council carrying on the work, three practical men should be appointed by the council, but in no case should any member of the municipal council or any of its officers be eligible for appointment. Two applicants to the council should, if interested, be sufficient to start any work little or big. I would not make it compulsory on the council to appoint the three men The moment these three men are appointed it should be compulsory to inaugurate and carry on and complete the work. If the two applicants had no just complaint, and the engineer came to that conclusion, then the applicants should pay all expenses incurred and the work should not go on."

Almost all the witnesses agree that the engineer is the most competent man to make the plans, estimates and assessments, and councils have now the power to appoint one or more commissioners to see that the drainage work authorized by the by-law is completed.

Sub-section 10 of Section 569.

"Trial of such complaint shall be had in the first instance by and before the Court of Revision of the municipality in which the lands and roads lie, which court the council shall, from time to time as they require, hold on some day not earlier than 20 nor later than 30 days from the day on which the by-law was first published, notice of which shall be published with the by-law during the first three weeks of its publication, and all notices of appeal shall be served upon the clerk of the municipality at least eight days prior to such Court of Revision, but the Court of Revision may, though such notice be not given, permit the appeal to be heard on such conditions as to giving notice to all persons interested and otherwise as may seem just."

The above applies especially to certain times as compared with the publication of the by-law, and it then provides generally that *all* notices of appeal shall be served at least eight days before the Court of Revision. With this general provision as to *all* notices of appeal, compare sub-section 3 of section 571; sub-section 2 of 571 provides for the serving or sending by registered letter a copy of the by-law and notice instead of publishing the by-law, and the by-law shall not be finally passed until after the expiration of three weeks from the last of such services, etc.

Then by sub-section 3 it is provided that "Such services shall be made or registered letter sent, and a copy of the notice of appeal also served on the clerk of the municipality, at least 20 days prior to the sitting of the Court of Revision."

What is the notice which is mentoned in sub-section 2 and that has to be served or sent by registered letter with a copy of the by-law ?

It must be either the notice of the time at which the Court of Revision is to be held, or the notice to persons intending to quash as mentioned in sub-section 1 of the same section. It cannot be the former, for then there would be no protection against the quashing of the by-law as there is in publication in the newspaper. It cannot be the latter, for then the ratepayers would never know when the Court of Revision was to be held. Sub-section three then comes into play and compels a non-resident owner who may live five hundred miles away, and to whom the registered letter has been sent, to receive the letter, prepare his notice of appeal and have it served on the clerk of the municipality, all within one day, and he never knows when the Court of Revision will sit. We have seen that *all* notices of appeal to the Court of Revision must be served on the clerk 8 days before the sitting of the Court of Revision, and then we have it that they must in certain cases be served 20 days before the sitting.

Assume that the last of the copies of by-law and notices were sent by registered letter on the first day of May, 1892. The by-law cannot be legally passed until three weeks after, that is, until after the 22nd day of May, but it could be legally passed on the 23rd of that month. Assume further that the Court of Revision was fixed for the 23rd with the intention, on the part of the council, of hearing and disposing of the appeals and then finally passing the by-law, as is frequently done, on the same day. There must, as already observed, be at least 20 days' notice of appeal given, which would make the last day for giving notice the 2nd of May. There would be very few appeals under such circumstances. We recommend that the limit fixed for appealing to the Court of Revision should be the same whether the by-law is published or printed and served or sent by registered letter, and in both cases should be eight days. There is no use going to the expense of registering. The postage on each letter, including registration, would be eight cents, the same notices as attached to the by-law as published should be attached to the by-law printed and served or mailed.

Court of Revision.

J. G. Stewart, Clerk of Raleigh, says : "Notice of appeal should be given only in cases where special lands are appealed against, that is, that a general appeal such as 'The land of the appellant are too high, should require no notice to be given, but if reduced the reduction should be distributed *pro rata* over all the lands assessed without further notice."

Thomas Hamilton, Reeve of Winchester, says : "If the Court of Revision lower any appellants, then the amount, if large, should be referred by the Court of Revision to the engineer to re-consider and distribute under the direction of the Court of Revision."

J. F. Lister, of Sarnia, says : "Each case before the Court of Revision should be tried on the merits apart from the grounds stated in notice of appeal."

Singleton Gibb agrees with Lister.

Haines says : "Confine the appellant to the grounds stated in his appeal."

Wentworth, Wigle, Hector McFarlane and others agree. Any ratepayer should have the right to appeal against the assessment on roads. Clancy, McKerricher, Morris, Strong, Bouteiller, Walse and Samson.

The Court of Revision may, in its discretion, grant the right of appealing without any previous notice. This should only be done at the first sitting of the court, and one adjournment should be sufficient to try such appeals. Wigle, Vogler, Gamble, Coleman, Gibb, Lister and others.

The engineer who has been employed, and whose assessment is under consideration, should be present at the Court of Revision. The Reeve of the township should have him there. McCain, Sedgwick, McDougall and others.

The Court of Revision should not be allowed to bring in lands for benefit outside of the area described in the petition so as to destroy the petition. Vogler, Whitebread, Buchanan, Coatsworth and Snider.

They should be allowed to go beyond the area designated in the petition and bring in all benefited, even though the petition is made bad in consequence by reducing the majority to a minority. Clancy and Fraser.

Every appellant should, immediately after the close of the Court of Revision, be notified by the clerk of the township of the result of his appeal whether allowed or disallowed. This should be done by registered letter. Calvert, Gibb, Vogler, Brown, Lister, Arnold, Rae, Morgan and others.

The decision of the Court of Revision should be final and no further appeal allowed. McDougall, Barnhard, Duck and Stedman.

There should be no appeal to the Court of Revision, it should be to the judge direct from the engineer's assessment. Bell.

The provisions at present in the Act as to appeals are about as good as they can be made, that is, the Court of Revision and County Judge. Rae, Robinson and Fox.

Question.—Should the Court of Revision or county Judge have power to bring in persons benefited, but not assessed or found benefited by the engineer, without rendering the petition bad, by reducing the majority to a minority on the petition?

Answers.

The majority should rule.....Morris.
Yes, both should have power.....Boutieller.
Yes, they should.....Walsh.
Yes.....Strong.
Yes, certainly.....Clancy.

We recommend that the Court of Revision be retained as at present. Each appeal should by tried on the ground stated in the notice of appeal. The court at its first sitting may, in its discretion, allow an appeal without the formal notice being given eight days before the first sitting, but in every case so allowed the appellant should be required to state the grounds of appeal before the evidence is taken, and he should be confined to the ground so stated. Any ratepayer in the municipality may enter an appeal from the assessment on roads for any drainage work. The court should be confined to the lands described in the petition as regards the benefit assessment. Should the court decide upon the case of any appellant in his absence, he should at once be notified by the clerk of the decision. There should be an appeal from the court to the county Judge or Referee.

Sub-section 11A of Section 569.

"In the case of a lot or part of a lot being assessed for the construction or repair of a drain, and the same property being afterwards assessed by the engineer or surveyor for the construction or repair of another drain, the Court of Revision or Judge may take into consideration any prior assessment or assessments for drainage purposes on the same land."

Question.—Should the engineers have the same power to consider former assessments as the Court of Revision and Judge have under 11A of Section 569?

Answer.—Yes, they should, and they should state the effect given to former assessments in their report. *Casselman, Snider, Richmond, McCreary, McCain, Clancy, Lister, Hector McFarlane, Watterworth, Gibb, Vogler, Arnold, Langford, Risk, McKerricher, Whitebread, Richardson, Gamble, Orchard, Hardy, Northcott, Ferris, Patton, Fox, Strong, Morrison, Bouteiller Morris, Walsh, Mailloux, McDermott, Fraser, James Serson, John Serson, Darling, J. W. Brown, Stedman, Haines* and others.

We recommend that this power be given to the engineer and so relieve owners from the expense and trouble of appealing to the Court of Revision to obtain redress.

Sub-section 12 of Section 569.

In case of any such complaint, the clerk with whom the *Roll* is deposited shall transmit to the Court of Revision a certified copy of so much of the said roll as relates to such municipality.

This sub-section is useless and should be struck out.

Sub-section 13 of Section 569.

The appeal from the Court of Revision shall be to the Judge, or junior acting Judge of the county court of the county within which such municipality is situate.

R. H. Coleman, Civil Engineer, says: "Amend this sub-section by inserting after the words 'shall be to' the words 'a sole arbitrator to be named by,' and to the end of the sub-section add 'and such sole arbitrator shall examine the ground before making his award.' My experience with county Judges is that he only hears one side of the case and the assessment is lowered, and the owner along side is left in the same place as he was and no redress."

The appeal from the Court of Revision to the county Judge is the best and cheapest. Robert Rae and C. G. Fox.

There should be no appeal from the Court of Revision. John Duck, Thomas Stedman and Philip Ferris.

William Brown, eight years Reeve of Wainfleet, says: "There should be a skilled person substituted for the county Judge so that the decisions would be given by a better authority and uniform."

George Ross, P.L.S., Welland.

John Bennett, Reeve of Roxborough.

J. B. Snider, Reeve of Lancaster.

M. B. Barnhard, Reeve of Willougby.

D. R. Brown, P.L.S., Cornwall.

J. S. Ross, Reeve of Winchester village.

John Richmond, ex-Reeve of Colchester South.

John T. Brown, Reeve of Cosfield North.

Charles Jones, P.L.S., London.

John Pearson, 23 years clerk of Ellice.

Alexander Baird, P.L.S., Leamington.

A. P. McDougall, ex-Reeve of Ekfrid.

Theodore Wigle, fifteen years Reeve of Gosfield.

L. E. Vogler, ex-Reeve of Zone, Richard Preston, William H Billings, Alvin Orton and others favor substituting the Referee for the county Judge.

George Robinson, Reeve of Romney, and member of council for twenty years, says: "I would just say this, that where a drain is wholly within one

township, I would make the appeal to the township council final and no appeal to the Judge at all; but where it effects two or more municipalities let it go to the Referee finally."

Andrew Kuhey, George Leversage, Thomas Knox, John Fax, Thomas Coveney and W. B. F. Freeburn, members of the Perth County Council, agree with George Robinson.

Recommendation.—The evidence is overwhelming in favor of substituting the Referee for the county Judge, in all cases of assessment appeals from the decision of the Court of Revision. The arguments used in support of the change, namely, the securing of a hearing before a skilled person and the uniformity of decisions obtained are entitled to great weight and they possess peculiar force when applied to cases affecting two or more municipalities, particularly when there has already been a reference before the Referee to ascertain the aggregate amount to be contributed by each. It is said that the whole case being heard by the Referee for the one purpose, makes him specially suitable for going on and apportioning the aggregate sum thus settled by him, over the lands assessed to raise that sum. The commission, however, is impressed with the consideration of the delay which might be caused to drainage works, by taking the power away from one or more persons in each county town and near the work, and placing it in the hands of the Referee for the Province, whose other duties might prevent prompt attention being given in many cases. There would be no material difference in the expense to the parties interested in the drainage work, as the Referee could direct the payment of $10 per day by either party, and the Judge would be entitled to $5 per day and his disbursements. We therefore favor the retention of the county Judge.

Time for Appealing From Court of Revision.

The time fixed by the Assessment Act for appealing to the county Judge is limited to five days from the closing of the Court of Revision. Many witnesses claim that this is too short, and it should be extended to ten or fifteen days' among them are the following: Hector McFarlane, Lister, Nesbit, Watterworth, Richardson, Wilson, Haines, Risk, Dolbear, Calvert, Morgan, Snider and Gamble.

We recommend that the time for appealing from the Court of Revision to the county Judge should be increased from five to ten days.

County Judge.

It frequenty happens that whenever appeals are made to the county Judge and the hearing takes place, the decision is reserved for a long time and the drainage is delayed. A time should be limited within which the decision of the Judge must be given. From fifteen to thirty-five days should be enough. Calvert, Morgan, Gibb, Gamble, Richardson, Rue, Haines, and others support this.

The Judge should try the appeals at the town hall or other place used by the municipal councils as their place of meeting. Haines, Gamble, Dolbear, Morgan, Casselman, Gregory and others favor this.

We recommend that the county Judge should try the appeals at the town hall or other place of meeting of the council, and he should be required to give his decision within thirty days of the hearing.

Sub-section 14 of Section 569.

This sub-section will come out if the duties of Court of Revision and county Judge are defined in the Municipal Act.

Sub-section 15 of Section 569.

"In case on any such complaint or appeal, the assessment in respect of the property which is the subject of complaint or appeal ought to be varied, the court or judge shall adjourn the hearing of such appeal for a sufficient time to enable the clerk of the municipality to notify all persons to be affected, personally or by registered letter, of the date to which such hearing of the said complaint or appeal is adjourned, and the said clerk shall so notify all persons interested, and unless such interested parties appear and show cause, then the court or judge may, in its or his discretion, vary the assessment of the said property and of the other lands and roads benefited as aforesaid, without further notice to the persons interested therein, so as to do justice to all parties, so that the aggregate amount assessed shall be the same as if there had been no appeal, and the judge, or in case there is no appeal to the judge, the Court of Revision, shall return the roll to the municipal clerk from whom it was received, and the assessors shall prepare and attest a roll in accordance with their original assessment as entered by such revision."

The latter part of this sub-section, that is to say, from and including the words "and the judge" to the end should not be in. It is no use and should be struck out. On the first portion of the sub-section and down to and including the words "no appeal," there is some difference of opinion as to the utility of the provision, with a great majority against it remaining.

Myles J. Patton, ex-Deputy-Reeve, Colchester South, says: "It might be well if the council had the right to distribute this amount *pro rata* up to a certain extent. The council might have power without an adjournment to distribute *pro rata* up to $40 or $50, and if it goes over that amount they should adjourn."

Thomas Stedman, ex-Reeve of Enniskillen, says: "I would make them all uniform as nearly as possible and increase or decrease *pro rata*.

James Clancy, M.P.P., William Whitebread, John McKerricher, Michael Malott, F. P. Bouteiller, Walter Walsh, H. P. Mailloux and P. F. Strong, J. B. Snider, James McKinley, Fred. Arnold, Singleton Gibb, Hector McFarlane, C. Darling, John Serson, John Richmond, James Serson and others agree with Mr. Stedman.

J. G. Stewart thinks that the sub-section should only apply when the Court of Revision or Judge consider that certain assessments should be increased, in all other cases the distribution should be *pro rata*.

We recommend that in all cases where the ground of appeal is, that the property of the appellant is assessed too high compared with the assessments of other properties, naming them, the Court of Revision and the county Judge should have power to decide them without any adjournment. Where, however, the ground of appeal is too high for the benefit derived, and the Court of Revision or county Judge should, upon the evidence given by the appellant, come to the conclusion that the assessment should be reduced, there should be an adjournment and all parties interested should be notified and be given an opportunity of being heard before the distribution *pro rata*.

Sub-section 16 and 17 of Section 569.

Sub-section 16 deals with the re-execution and completion of any works, partly or insufficiently executed under any statute, and to any works which it may be deemed expedient to dig, construct or make for drainage purposes.

Sub-section 17 provides for the maintaining and operating of works executed by embanking, pumping and other mechanical means.

The provisions of both these sub-sections are good, but in the re-arranging of the Act they will necessarily have to be recast and inserted in connection with the work to which they respectively apply.

Sub-sections 18, 19, 20 and 21 of Section 569.

These sub-sections all deal with obstructions, within the meaning of section 569, existing partly within and partly without the limits of the municipality and consisting of obstructions, dams, etc., whether in drains or rivers.

Section 588 also deals with obstructions. Its provisions are as follows:

"In the event of any ditch, drain, creek or watercourse that has been constructed or opened up under the provisions of *The Ontario Drainage Act*, or any amendments thereto, or under the provisions of any Act respecting drainage to be paid by local rate, becoming obstructed, so that the free flow of the water is impeded thereby, or the aforementioned obstructions have been wilfully or through negligence placed in such ditch, drain, creek or watercourse by any party or parties through whose land, or between whose lands such ditch, drain, creek or watercourse is situate, the party or parties causing the same shall, upon notification in writing by the council of the municipality, or any officer appointed by the council for the inspection or care of drains, remove such obstructions, and if not so removed within the time specified the council shall, without further delay, have the same removed at the cost of the said party or parties."

"(2) If such cost is not paid by the party or parties to the persons performing the same when the work is completed, the council shall pay the amount to the party performing the work, and the clerk of the municipality shall place such amount upon the collector's roll against the party or parties, as the case may be, with ten per cent. added thereto, and the same shall be collected like other taxes, subject, however, to an appeal by the said party or parties, in respect of the cost of the work, to the Judge of the County Court of the county in which the lands are situate, in the same manner as is provided by section 11 of *The Ditches and Watercourses Act.*"

D. R. Brown, P.L.S., Cornwall, says: "Any person who in any way obstructs or impedes the free flow of water in a drain on his lands should be forced to clear it out, and if not done after ten days notice, have the inspector do it and charge the costs in the assessment of his lands. Reporting to the council causes delay. There should be an inspector appointed for each drain as soon as completed. I would give power to the inspector to do minor repairs and charge the lands causing same with the costs and fees of the inspector attending to it"

John Gibson, North Easthope.

James McFarlane, Dover, East.

B. B. Radmore, Romney.

John A. Scarlett, Howard.

A. McDermott, ex-Councillor of Howard.

John McKerricher, ex-Reeve of Howard.

Fred Arnold, James Serson, John Serson, Howard.

Thos. W. Brown, ex-Reeve of Sarnia Township.

William Nesbitt, ex-Reeve of Dawn.

R. J. McCormick, Warden of Lambton.
Benjamin Watterworth, Clerk of Mosa.
Singleton Gibb, Reeve of Mosa.
Arthur Leverton, Reeve of Zone.
H. C. Garnett, Reeve of Delaware.
John W. Bell, Bosanquet.
Robert Rae, Reeve of Thedford.
James Leslie, Deputy-reeve of Harwich.
John Langford, ex-Reeve of Harwich.
James Gamble, Reeve of Brooke.
Henry Hardy, Reeve of Caradoc.
James Northcott, Councillor of Caradoc.
Robert Weir, Iroquois.
Thomas Carlisle, Winchester.

E. S. Gregory, Reeve of Mountain, and many others gave evidence to the same effect.

W. S. Howell, of Thornyhurst, says: "The superintendent of drains should have power under statute to forthwith advertise and let the job of removing silt bars, dams, floatwood, logs, stumps, growing bushes, and such like obstructions to a drain, and repair injury done at watering places and making all minor repairs, the cost to be charged to and collected from the lands contributing to the damages, should the owners neglect or delay to do the part they are responsible for upon notice. The superintendent has no power to cause any repairs to be made at present. He can only report. The efficient maintenance of drains is the most important question now before the people who are interested in drains already constructed." The scope of the evidence, bearing upon the question of obstructions, has reference to the abuse of a drain through a man's land. Fences are constructed over a drain and so low as to stop flood-wood and other material from getting through, and in freshets the fences are either swept away or they form dams and so hinder the escape of water. All fences across drains should be provided with watergates, which would open with the current and allow floating wood, weeds, etc., to pass through. If no gates, then the fences should not be built over the drain, the drain space should be left open The same difficulty is occasioned by small bridges, built so low as to have a similar effect. It frequently occurs that a watering place is made for cattle by putting in a dam across the drain, and allowing the cattle and stock to tramp in the sides of the drain and greatly impair its capacity. Private drains are, in some cases, constructed so shallow at the outlet into the municipal or award drain that there is quite a fall at the outlet into the main drain, and these in time of freshets will wash out to a greater depth, and a deposit will soon form in the bottom of the main drain at the junction. The tramping of cattle and stock and the rooting of hogs are also fruitful causes of drains being less efficient.

The witness already mentioned and many others claim that these abuses should be corrected by the owner of the land committing the same, and if he should refuse or neglect to apply the remedy upon reasonable notice from the inspector, then that officer should be given power to have the necessary work done at the expense of the owner, and have it charged up to him in his taxes. It is further claimed that the person abusing the drain to the greatest extent is the first man to call upon the council to have it repaired. If drains are kept free from obstructions they will not require so much money to be contributed by the persons assessed for them for the purpose of repairing them. It is considered unfair to have these owners, whose lands do not border on the drain, contribute to the removal of obstructions caused in the manner above pointed out. There is also

the rolling in of logs from the banks of drains and watercourses to be considered. It is claimed that this causes the banks to slide into the drain and fill it up. The floating of logs in other than rivers and streams which could have been so used in a state of nature, is a great detriment to the efficient working of drains and streams improved with the view of getting rid of surface water.

We cannot recommend too strongly, clear and well defined legislation upon the subject matter under review. These drainage works are expensive enough, even when kept free and clear from every kind of obstruction, but if any interference whatever is permitted, then the rights of the ratepayers assessed are impaired, and a further assessment is levied for the purpose of making the drain work efficiently long before it would be required were it not for the abuses referred to. The drain may pass through very few lands, as compared with the whole extent of the assessed area, and it not unfrequently happens that the persons liable for obstructing the drain belong to neither the one class nor the other, and have no interest in keeping the drain in a good state of preservation. Such persons should be dealt with in a summary manner. It may be that they are possessed of neither personal or real property, and their desire may be simply to use, what others have paid for, to carry out their own particular objects. Punishment by fine is about the only remedy that would reach such individuals. The statute prescribes a method of punishing those who "wilfully or through negligence" place obstructions in drains, etc. This provision leaves room for disputing the wilful or negligent character of the act committed and should come out of the statute altogether.

Sub-section 3 of section 588 should be made to cover not only an embankment for pumping works, but also the embankment of a drain intended to cut water off any other lands, although such lands may not be assessed for the drain, the bank of which is interfered with. The only persons who can complain at present are the council, but in our judgment the remedy should also be given to any ratepayer affected by the cutting or injuring of the embankment. The words "wilfully and intentionally" should come out of the sub-section. The drain and embankment have been constructed on the authority of the council, and no interference should be tolerated except through the same body. This point will be made clear in the case of what is commonly called a catch-water drain, leading water in a course across the fall of the surface, instead of making a large drain in the direction of such fall. The latter may be miles in length, while the former may be a very short distance. In constructing the catch-water drain, the earth from the drain is thrown up in the form of an embankment on the lower side. Should this be injured or cut during a freshet, when the drain is full and water over the lands on the upper side, it can readily be seen what havoc it would produce. No fine could be imposed which would answer the ends of justice in such a case.

Sub-section 22 of Section 569.

"Any persons who has signed a petition under this section shall be at liberty to withdraw therefrom and to abandon such petition at any time before the expiry of the time limited for appealing from the proposed assessment to the Court of Revision, but not afterwards. If the proposed work shall not be proceeded with on account of such withdrawal from the petition, then the persons signing such petition, including those who have withdrawn therefrom, shall be *pro rata* chargeable to the municipality for the expenses incurred by such municipality in connection with such petition, and the amount with which such persons are chargeable shall be entered upon the collector's roll for such municipality against the person liable, and shall be collected in the same manner as any other sum so placed on the roll for collection."

By this sub-section, the time limited for withdrawing is up to the time limited for appealing to the Court of Revision. As we have already observed, if the by-law be published in a newspaper, the time for appealing to the court of Revision is eight days prior to its first sitting. Sub-section 10 of section 569 controls this. But, if the alternative course be adopted, of printing and serving or mailing a copy of the by-law, then the time fixed for appealing is twenty days prior to the first sitting of the Court of Revision, sub-section 3 of section 571 is authority for the limit.

Which limit controls the right to withdraw from the petition? If the twenty days control, then the right to withdraw would in many cases be gone before the printed copy of the by-law could reach the ratepayer if sent by mail.

In case withdrawals do take place to such an extent as to destroy the petition by changing a majority into a minority, then who should pay the costs incurred up to that time?

Those withdrawing should pay all the costs, is the answer given by Pearson, Doran, Hardy, Gamble, Coleman, Morris, Rawlings, Haines, Langford, James Serson, Moore, Talbot, Gibb, Lister, Clancy, McGuire, J. M. Brown, West, John Serson, Darling, Fred Arnold, George McDonald, McKinley, McDermott and Crawford.

A few support the sub-section as it stands now, while others think it better to leave it optional with the council, to put the costs against all petitioners as at present or against those withdrawing only.

William Douglas Q.C., suggests an amendment to the sub-section by adding the following: "No error or omission whatsoever, either in the petition, report, assessment or by-law, notices or otherwise, shall render void or affect any by-law or proceeding of any kind for the construction of drainage works; but any error or omission may and shall be amended by the council, court of revision, county Judge or Referee under the Drainage Act as soon as the same is observed; and the said Referee is hereby expressly authorized and empowered to amend all proceedings, and make the same conform to the intention of the parties, on such terms as to the said Referee may deem proper."

Delos R. Davis, Barrister, Amhersburg, says: "All parties interested in a drainage work should be notified when the report will be considered by the council, and before the by-law is drawn or published. The petitioners, who desire to withdraw, should have the privilege of doing so at the meeting to consider the report, and not afterwards. If, at the meeting withdrawals take place so as to take away the majority from the petition, then the scheme should drop, and the expense incurred should be paid out of the general funds of the township, and not by the petitioners or persons withdrawing alone. Validity of the scheme should be settled at this meeting of the council, and before the report is adopted by the council. After the report is adopted, the validity of any previous proceedings should not be called in question. The minutes of this council meetings, at which the report is discussed, should be carefully and fully taken, and should clearly show whether complete or partial drainage is in contemplation by the scheme so settled."

Before the sub-section we are now considering was passed and inserted in the drainage provisions of the Act, the law, apart altogether from legislation, was settled by a decision of the late Chief Justice Sir Adam Wilson, in *re Misemer* and *The Township of Wainfleet*, reported in 46 Queen's Bench Reports, p. 457, His Lordship, in the course of his judgment, says at page 467: "The estimates of the cost of the work and the assessment to be made of the real property that will be benefited, and the proportion of benefit that will be derived by each lot

or part of lot, are made as much for the information and service of the petitioners and others interested in the work and in the cost of it as of the council; and it seems to me to be clear that the petitioners, or any one or more of them, upon the report of the engineer or surveyor may, if of opinion the work is too costly, or will bear too heavily upon them or upon any of them, abandon the project and withdraw from the petition, because the preliminary examination, estimate, assessment and value of supposed benefit, are made to enable the parties to determine whether they will proceed with the proposed work or not. If the petitioners or any of them withdraw from the petition, they must pay their proportionate share of the expenses which has been incurred up to that time if the work is abandoned, or if the withdrawal has the effect of reducing the number of petitioners below the number necessary to give it effect, so that the petition falls through. If, however, notwithstanding such withdrawal of one or more petitioners, a majority of the owners still maintain the petition, the dissentients may be opponents, but the work will go on. But until such time, that is, before the council has lost control of the matter, I am of opinion that the work may be wholly abandoned or the petitioners may secede from their subscription, which may necessitate an abandonment of the work. In either of these cases the parties who have induced the expense to be incurred must pay it."

We recommend that as soon as the engineer has completed his report, he should file it with the clerk of the township, and the clerk should at once notify by postal card all persons whose lands are assessed by the engineer. The information to be given on each postal card to each ratepayer should be as follows: Name of drain or other general location, date of the filing of engineer's report, the assessment on his lands and the date of the next meeting of council, when the report will be read. All the cards should be mailed at least ten days before the council meeting, when the report will come up for consideration. Should the clerk not have sufficient time between the filing of the report and the council meeting to have all cards mailed ten days before such meeting, then he shall insert the date of the next following meeting of the council. At the meeting of the council so fixed, the report shall be read by the clerk and after a reasonable time is given to hear the parties for and against, an opportunity should be given to persons signing the petition to withdraw from it, and should a number of petitioners withdraw, so as to reduce the number necessary to proceed with the work, and thus render the petition useless, each of the persons withdrawing should put his withdrawal in writing and hand it to the clerk, who will file it, and the expense of the engineer and the other incidental expenses should be charged to those persons withdrawing and placed against their lands instead of against all petitioners as now. At the same meeting, all persons interested who have not signed the petition, should be given the privilege of doing so. If no withdrawals take place, or not enough to destroy the majority, and the council is satisfied of the majority being upon the petition, then they may adopt the report and proceed with the preparation and publication of the by-law and carry out the scheme. In all cases in which roads of the municipality are assessed for the work, the council should have the power of passing a resolution authorizing one of their number to sign the petition for their municipality, and such signature should count one in favor of the petition. The report being for the information of the petitioners as well as the council, as stated by Sir ADAM WILSON, then why not let all parties interested petitioners and non-petitioners, have the benefit of the information at the earliest possible moment, so that no further expense be added until all parties are in a position to pass their judgment upon the report?

Section 570.

R. H. Coleman, Civil Engineer, Toronto, says: "This form of by-law should be amended by inserting after the word "roll" in the seventh line the words "As modified by declarations attached to the petition.."

J. G. Stewart, Clerk of Raleigh, says: "The columns in the by-law headed 'To Cover Interest' and 'Total Special Rate' are unnecessary, the column headed 'Value of Improvement' is all that is necessary for publication."

We recommend the addition of two more columns to the form in by-law, one for outlet assessment, and the other for the assessment on lands for causing water to flow upon and injure other lands.

Section 571.

This section has already been considered in some of its details. It will now be discussed with reference to its general provisions. The section reads as follows:

"(1) Before the final passing of the by-law it shall be published once or oftener in every week for four weeks in such newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining or neighboring municipality, as the council may designate by resolution, together with a notice that any one intending to apply to have the by-law or any part thereof quashed, must, not later than ten days after the final passing thereof, serve a notice in writing upon the reeve or other head officer, and upon the clerk of the municipality, of his intention to make application for that purpose to the High Court at Toronto, during the six weeks next ensuing the final passing of the by-law

"(2) The council may, at their option, instead of such publication in a newspaper, direct by resolution that a copy of the by-law and notice, written or printed, be served upon each of the several owners, their lessees or occupants, or upon the agent or agents of such owners, or be left at their places of residence with some grown up member of the family, or where the land is unoccupied and the owner or owners, or their agent or agents, do not reside within the municipality, may cause to be sent by registered letter to the last known address of such owner or owners, a copy of the by-law and notice, and the by-law shall not be finally passed until after the expiration of three weeks from the last of such services, and the clerk shall keep on file in his office a statutory declaration or declarations by the party or parties making the service or services, and the manner in which the same were affected.

"(3) Such service shall be made or registered letter sent, and a copy of the notice of the appeal also served on the clerk of the municipality, at least twenty days prior to the sitting of the Court of Revision."

Publication of By-Law.

The by-law shall be published once or oftener in every week for four weeks. If we take four weeks and select one day in each, say Friday, we shall see how this clause will work out.

The by-law, we will say, was first published on Friday, the 1st day of November. This would be a publication in the first week. It then appeared for the second time on Friday, the 8th day of November. This would answer for the second week. Later on we find it appearing in the same paper on Friday, the 15th day of November. This is satisfactory for the third week. Finally the issue of Friday, the 22nd of November, contains it, and now we have the fourth

insertion in the fourth week. On the 23rd of November the by-law is passed; does this satisfy the requirements of the Act? We have seen that the publication was in a newspaper published on Friday, and that the by-law appeared in four successive issues of the paper. It must be apparent that the provision of the statute in this case has been strictly and literally complied with. If, however, we compute the days we find that the number of days which the ratepayers had for reading the by-law so published is 22. Whether it was the intention of the Legislature that the by-law was to be published for four weeks or 28 days, we cannot say, but, if so, the language used does not properly express that intention.

JOHN S. FRASER, Barrister, Wallaceburg, says: "There should be some way of notifying every owner of land whose property is about to be encumbered with a drainage tax. The advertisement in a county paper is not enough."

FRED. ARNOLD agrees with MR. FRASER.

Publication as at present sufficient: Clancy, Serson, Risk, West, Hector, McFarlane, Drummond, Buchanan, Scarlett, Walsh, Strong, Mailloux and Richardson.

The option to publish or print and serve or mail a copy of by-law is the best course: Haines, Nesbitt and Watterworth.

Print and serve or mail copy of by-law is preferable: Coleman, Whitebread, Gibb, Rawlings, McCardick, T. W. Brown, Wigle, Morris, Fox and R. C. Taylor.

Publish and mail copy of paper to each person assessed is satisfactory: Rae, Gamble, McDermott and McKinley.

It has been determined by our courts what is to be understood by the term adjoining municipality, as used in this section.

In the case of *re Gatlermo* and *The Township of Rochester*, 46 Upper Canada Reports, page 279, which was an application to quash a by-law on the ground that it was not published as required by statute, the late Chief Justice, Sir ADAM WILSON, in the course of his judgment, says: "The present law requires the publication to be made in a newspaper published either within the municipality, *or in the county town*, or in a public newspaper published *in an adjoining local municipality*. There is no newspaper published in any of the adjoining (that is next adjoining) municipalities to Rochester, and if adjoining be used as next adjoining municipality, then the by-law could not be published as the Act directs, nor could publications be made in the county town, because, singular as it may appear, there is no newspaper published in Sandwich, the county town of Essex, as Windsor, which is two miles distant, is for all other than municipal and judicial business, practically the county town.

The town of Windsor, if computed from the town hall of Rochester, is very little farther than some of the places named in which a newspaper is published, excepting the village of Essex Centre, and if adjoining, is not restricted to next adjoining, I should not avoid a by-law because it was published at a place a few miles more distant than it might have been, when it was published in a town which is practically the county town, and in a paper there which has circulation many times greater than either the Kingsville *Reporter* or the Leamington *Post*. But besides that, the applicant has made his case that the by-laws were not published in the *nearest* municipality in which a newspaper is published, and *that* is it was clear it was not necessary for the township to do. It should have been shown that no such notices were given to the parties affected as that enactment directs, and I shall not hold the by-law to be invalid, because no publication could have been made of it according to the terms of the Act."

We recommend, that when the by-law is published in a newspaper, the clerk of the municipality initiating the drainage work shall be required to

furnish the publisher of the paper with the names and the post office addresses of all persons assessed for the drainage work, and the publisher shall mail to all such interested persons all issues of the paper containing the by-law, and shall make a statutory declaration of such mailing, and the declaration should be filed in the office of the clerk of the municipality whose by-law is published. The injustice of putting an incumbrance on a man's land without giving him the most ample notice, as stated by Mr. Fraser, affords no weak argument for the change. The publisher can send the paper to each ratepayer without postal charge. When the alternative course is adopted of printing the by-law, and serving or mailing a copy, the notice of holding the Court of Revision, and also the notice regarding the quashing of the by-law, should be attached to it in the same way as in publishing the by-law. The option of publishing the by-law in a newspaper, or printing it and serving or mailing a copy, should be retained. It is found by experience that the publishing is better in some cases, and the printing and serving or mailing a copy is preferable in other cases.

Quashing By-laws.

Section 572 "(1). In case no notice of the intention to make application to quash a by-law is served within the time limited for that purpose in the preceding section, or if the notice is served, then, in case the application is not made or is unsuccessful, the by-law shall, notwithstanding any want of substance or form, either in the by-law itself or in the time and manner of passing the same, be a valid by-law. (2) Where the application is made, and is successful in part, so much of the by-law as is not quashed upon the application shall be valid, notwithstanding, any want of substance or form aforesaid."

Some evidence was given regarding the time any drainage by-law should be challenged by way of application to quash. The witness, Haines, considers that the by-law should be absolutely binding, unless the person seeking to quash brings himself within the time limited by the notice attached to the by-law, and upon the expiration of this time, namely, ten days, the by-law should be valid and binding.

Dolbear is of opinion that one month would be a reasonable time; Casselman would make the limit three months, and Langford agrees with him as to a by-law for repairs, but he would give six months upon a by-law for construction.

Section 333 of "The Consolidated Municipal Act, 1892," provides as follows:

"No application to quash a by-law, order or resolution, in whole or in part, shall be entertained unless the application is made within one year from the passing of the by-law, order or resolution, except in the case of a by-law requiring the assent of electors or ratepayers, when the by-law has not been submitted to, or has not received the assent of the electors or ratepayers, and in such case an application to quash the by-law may be made at any time."

Section 334 provides: "In case a by-law, by which a rate is imposed, has been promulgated in the matter hereinbefore specified, no application to quash the by-law shall be entertained after the expiration of three months from the promulgation."

From these and other statutory provisions, the time fixed for making applications to quash varies according to the nature of the by-law, and the proceedings taken under the statute for promulgation and registration. Here in this section it is provided, that the drainage by-law shall, notwithstanding any want of substance or form, either in the by-law itself or in the time or manner of passing same be a valid by-law, if no notice be served within ten days after the final passing.

Mr. Justice STREET, in the course of his judgment in *re Sweetman* and *The Township of Gosfield*, 13 Practice Reports, page 293, after reading the provisions of section 572, said: "I think that section 572 must be taken to mean that, in case the application is not made within six weeks, the by-law shall be valid." In another part of the same judgment he says: "The authorities, however, do not compel me to place upon the provisions of section 572 a construction which I conceive to be contrary to its intention."

The same judge in the case of *Anderdon* and *Colchester South*, 21 Ontario Reports, page 476, says, among other things: "The authorities seem to have established that the mere fact that the by-law has not been quashed within the period limited by section 572 is not, under such circumstances, sufficient to prevent its being treated as invalid in other proceedings."

The effect of the law, therefore, is, that though the existence of a drainage by-law may be saved from proceedings to quash, unless the notice of intention is properly given within ten days after the final passing, and the application is made to the court within six weeks, yet later on the existence of the by-law may be called in question in other proceedings, it may be long after the work under it is done, the debentures sold, the contractors paid, and the work itself giving perfect satisfaction to all persons interested save one, and he determined upon resisting the payment of the drainage tax, a distress is made by the collector upon a horse for the taxes, the owner replevies and claims that the by-law is illegal, and at the trial it is so declared, and the end of the by-law is thus reached. It would have been much better for all concerned, had it been quashed by an application in its earlier existence.

We recommend that in case no notice of the intention to make application to quash a by-law is served within the time limited for that purpose in Section 571, or, if notice is served, then, in case the application is not made, or is unsuccessful, the by-law, so far as the same ordains, prescribes or directs anything within the proper competence of the council to ordain, prescribe or direct shall, notwithstanding any want of substance, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law. Our opinion is, that if the council has once jurisdiction, the statute should be made to cover any subsequent irregularities, and the by-law should be valid and binding for all purposes, subject only to the provisions of section 571.

SECTION 573.

"(1) In case a by-law already passed, or which may be hereafter passed by the council of any municipality, for the construction of drainage works by assessment upon the real property to be benefited thereby, and which has been acted upon by the construction of such works in whole or in part, does not provide sufficient means, or provides more than sufficient means for the completion of the works or for the redemption of the debentures authorized to be issued thereunder as the same become payable, the said council may, from time to time, amend the by-law, in order to fully carry out the intention thereof, and of the petition on which the same was founded, and to refund the surplus (if any) to the then owners of the land *pro rata* according to the original assessment.

"(2) Where a by-law which has been heretofore passed, or which may be hereafter passed under the provisions of the preceding sub-section, has been or shall hereafter be published in the manner required by section 571 of this Act, or in case of a city, town or incorporated village has been or shall be notified in the manner required by sub-sections 1 and 2 of section 618, section 472 shall apply to such by-law, and any by-law passed under the said preceding sub-sec-

tion need not be published unless the council sees fit; and the provisions of the Municipal Drainage Aid Act shall apply to any debentures issued under the authority of the said sub-section which have heretofore been or shall hereafter be purchased by direction of the Lieutenant-Governor in Council."

Sub-section 1 of this section provides for two sets of circumstances. First, where the amount raised by the construction by law *falls short* of paying for the completion of the work. Second, where the amount raised upon the construction by-law is *more than enough* to complete the works or redeem the debentures issued for the same.

Then the council is authorized to pass a supplemental or second by-law to raise the *sum*, by which the construction by-law *falls short*, to enable them to complete the drainage work in the first case above set out; and in the second case the council is authorized to pass a by-law to refund, to the then owner of the lands assessed, the *surplus* provided under the construction by-law, and remaining to the credit of the drainage works after they are completed and paid for.

Sub-section 2 relieves the council from the necessity of publishing such a by-law, unless they so desire, but the by-law shall be liable to be quashed upon a notice given within ten days after the final passing, and an application to the High Court for that purpose within six weeks of the final passing. If, however, no such notice of intention to quash be given, and no application be made within the time limited, the by-law is made subject to the curative effect of section 572.

The other provisions relate to cities, towns and incorporated villages under the local improvement provisions, and to the selling of the debentures to the Government of Ontario.

The object to be attained by the provisions of the section is a good one, but from the evidence given before the commission, and in part already quoted under the head of Sale of Debentures, the municipal councils do not always distribute the surplus. It has been stated that in many cases the surplus has been used by the councils for other purposes, apart altogether from that for which the money is raised, and when the last debenture became due the surplus is then placed to the credit of the drain and paid on the last debenture. Such a proceeding is clearly illegal, and is a breach of trust on the part of the council. It was held by Mr. Justice FERGUSON in *Smith* against *The Township of Raleigh*, 3 Ontario Reports, page 405: "That the plaintiff was entitled to an order compelling the council to complete the drain in question in the action according to the by-law, and to an injunction to restrain further misapplication of the moneys assessed, and to an account thereof, for the drainage by-law created a trust which had been violated." In some instances councils have only sold sufficient debentures to enable them to complete the drainage works, thus leaving the surplus in the form of unused debentures. This method of proceeding would practically amount to a rebate, and would make the lands assessed liable for the actual cost of the drain only. Assume that the estimated cost of the drainage works was greatly in excess of the actual cost when completed, and a large amount remained to the credit of the drain, which, under a by-law, was refunded to the then owners of the lands assessed, and any of such owners sold his lands, the purchaser would have to pay the assesments for the estimated cost, and in this he would pay the share of the surplus refunded to the vendor or former owner, this would be unjust

We recommend that the surplus to the credit of any drainage work after it is completed should be refunded to the contributors, *pro rata* according to their assessment for the work, by giving credit on the drainage taxes for said work, falling due next after the completion of the work.

Section 574: "No debenture issued, or to be issued under any by-law aforesaid should be held invalid, on account of the same not being expressed in strict accordance with such by-law, provided that debentures are for sums not in the whole exceeding the amount authorized by the by-law."

This section is all right, and the provision is a good one.

Section 575: "Where it is necessary to continue the works aforesaid beyond the limits of any municipality, the engineer or surveyor employed by the council of such municipality may continue the survey and levels into the adjoining municipality, or upon the boundary between two or more municipalities until he finds fall enough to carry the water beyond the limits of the municipality in which the work was commenced, and until he obtain a sufficient outlet for the water, and in every such case he may charge the lands and roads to the same extent and in the same manner as is provided by the next succeeding section."

This section provides for continuing the work into an adjoining municipality, but cases frequently occur that render it necessary to go farther than an adjoining municipality, used in the sense of the next adjoining. If the subsequent part of the section compels the originating municipality to go to a sufficient outlet, then there should be no restriction put upon its going to that sufficient outlet in the shape of town lines, or county lines, or otherwise.

Again, there appears to be no force or effect in the clause "Until he finds fall enough to carry the water beyond the limits of the municipality in which the work was commenced," because it is immediately followed by a clause directing a sufficient outlet to be reached, "and until he obtains a sufficient outlet for the water." There can be no doubt that where a sufficient outlet is obtained for the water, it must then be beyond the point where fall enough had been found to carry the water beyond the limits of the municipality in which the work was commenced. There is, therefore, no use for one of the clauses, and it should come out altogether.

The assessing power is conferred by the last clause of the section. By reference to section 576, it will be seen what that power is. Before considering any further this section alone, it will be well to connect with it all sections providing for entering the limits of another municipality. It may be, that the drain will not extend within the limits of another township, but at the same time it may be wholly or partly outside of the limits of the initiating municipality, being constructed partly or altogether on a town or county line. In all cases, some municipality or municipalites, outside of the one commencing the work, may be laid under contribution by having lands and roads assessed for the work. The assessment being common to all, it follows, that the method for ascertaining and fixing the relative assessments on the townships for the construction of the contemplated work should be the same.

Section 575, enabling one township to cross the town line and go to a sufficient outlet in an adjoining municipality, has already been given.

Section 576 provides: "Where the works in the opinion of the engineer or surveyor aforesaid benefit lands in an adjoining municipality without extending into it, or greatly improve any road lying within any municipality, or between two or more municipalities, then the engineer or surveyor aforesaid shall charge the lands to be so benefited, and the corporation, person or company, whose road or roads are improved, with such proportion of the costs of the works as he may deem just, and the amount so charged for roads, or ascertained by reference, shall be paid out of the general funds of such municipality or company.

Section 577 provides: "The engineer or surveyor aforesaid shall determine and report to the council by which he was employed, whether the works shall

be constructed and maintained solely at the expense of such municipality, or whether they shall be constructed and maintained at the expense of both municipalities and in what proportion."

Section 578 provides: "The engineer or surveyor aforesaid, when necessary, shall make plans and specifications of the works to be constructed, and charge the lands to be benefited by the work as provided herein."

Section 579 provides: "The council of the municipality, in which the deepening or drainage is to be commenced, shall serve the head of the council of the municipality into which the same is to be continued, or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the report, plans, specifications, assessment and estimates of the engineer or surveyor aforesaid; and unless the same is appealed from as hereinafter provided it shall be binding on the council of such municipality."

Section 580 provides: "The council of such last mentioned municipality shall, within four months from the delivery to the head of the corporation of the report of the engineer or surveyor, as provided in the next preceding section, pass a by-law or by-laws to raise and pay over to the treasurer of the initiating municipality such sum as may be named in the report, or, in case of an appeal, for such sum as may be determined by the referee in the same manner and with such other provisions as would have been proper if a majority of the owners of the lands to be taxed had petitioned as provided in section 569 of this Act, and such council shall hold the Court of Revision provided for by sub-section 10 of section 569 of this Act."

Section 581 provides: "(1) The council of the municipality, into which the work is to be continued, or whose lands, road or roads are to be benefited without the work being carried within its limits, may, within twenty days from the day in which the report was served on the head of the municipality, appeal therefrom to the referee, in which case they shall serve the head of the corporation from which they received the report, with a written notice of appeal, and such notice shall state the ground of appeal.

"(2) When it is proposed to continue the deepening or drainage from the municipality in which the same is to be commenced into another municipality, and when, through misapprehension or mistake, the council served with the report, plans and specifications of the engineer or surveyor, omits to appeal therefrom within twenty days, the judge of the County Court of the county in which the municipality so served as aforesaid is situated may, upon application at any time before the drainage works have been already commenced, or the contract let for the same, or the debentures have been actually issued under the said by-law, after the said twenty days have elapsed, by order, grant permission to appeal, upon such terms and conditions, as to costs and otherwise, as he deems just and reasonable, within a time so limited by him in the order; or the other council or councils interested may, by resolution, waive the lapse of the said time, and in either of such cases the proceedings for appeal shall be the same as would have been required if the appeal had been gone on with in the proper time.

"(3) The summons to show cause why an appeal should not be allowed shall not be returnable in less than seven days from the service thereof, and the council or councils shall have power to amend any by-law or by-laws which may have been passed as shall become necessary or proper by reason of the appeal or the result thereof."

Section 596 provides: "Where it is necessary to construct such a ditch on a town line between two or more municipalities, the municipal council of either of the adjoining municipalities may, on petition, as provided for in section 569 of this Act, cause a ditch to be constructed on the road allowance between the

municipalities, and make the road in manner as provided in last preceding two sections of this Act—that is by grubbing stumps, cutting and removing timber, and spreading the earth—and shall charge the lands and roads benefited in the adjoining municipality or municipalities with such proportion of the cost of constructing the said ditch as the engineer or surveyor aforesaid deem just and proper, and the amount so charged for roads, or awarded by the referee, shall be paid out of the general funds of such municipality or municipalities."

Section 597 provides: "The provisions of sections 569 to 632, both inclusive, of this Act, shall apply, as far as applicable, to such ditch."

The sections above set out provide for three classes of cases, namely:

1st. Where works extend beyond the limits of any municipality and benefits roads and lands on its way to a sufficient outlet.

2nd. Where work does not extend into an adjoining municipality but benefits lands in an adjoining municipality, or greatly improves roads within any municipality or between two or more municipalities.

3rd. Where the drain is constructed on a town line by either of the adjoining municipalities, and benefits roads and lands in any adjoining municipality.

In all cases the assessment for roads must be paid out of the general funds of the municipality or company controlling the roads. The first class, which is under section 575, derives its assessing power from the same source as the second, namely, section 576, which enacts that "The amount so charged for roads or ascertained by reference shall be paid out of the general fund of such municipality or company." The third class also derives its power to assess and charge from the same section, for section 587 makes section 576, among others, apply to this class. It is not stated in section 576 to whom the charge on roads of a municipality or company shall be paid, but the inference seems to be to the municipality doing the work, while it should be to the municipality in which the roads lie or for which it is responsible. Section 580, which also applies to all three classes, provides for the passing of by-laws to raise the money and for the paying it over by the townships, other than the initiating one, to the treasurer of the latter. Under such by-laws all the money assessed upon lands as well as roads is charged. The total amount of its assessment is raised by the sale of its own debentures, and is paid over in one lump sum to the treasurer of the municipality doing the work.

In one important feature, the third class differs from the others, inasmuch as under it, when an outlet is improved or furnished for the lands in any municipality, such lands may be assessed under section 590.

J. B. Snider, Reeve of Lancaster, says: "Where a drain crosses a town line and reaches an outlet in an adjoining municipality, and in its course clearly benefits lands in the lower township, such lands should be assessed for clear benefit without being entitled to count for or against the petition. An outlet assessment should be put on drains leading in, whether in the upper municipality or in the lower. The same principle should be applied throughout the whole length of the drain."

M. B. Barnhard, Reeve of Willoughby, says: "It should be made perfectly clear when one township makes an outlet in another township, which is to construct the drain or outlet in the lower township. After the by-law is passed, then each township should be allowed to let the contract within its own limits, and do the work under the supervision of its own engineer."

James Gamble, Reeve of Brooke, says: "Another difficulty is where people are dilatory in signing a petition to the council when the drain affects two or more townships, that is, where the lands in the lower townships are benefited by a drain constructed by the upper. The majority of the owners in the area to be

drained in the upper township should have the right of having the drain made independent of those in the lower. Lands in the lower township should be assessed for clear benefit, and an allowance made for right of way for the drain."

J. M. COURTRIGHT, says: "Some change should be made where one township drains into another township. This affects our draining into the township of Enniskillen. It should be left in the hands of the council of the upper township to move without any petition. The lands on the lower township should be assessed. This would apply where there is a natural watercourse into the lower township."

JOHN CLARKSON, Raleigh, says: "I think one of the principle causes of difficulty that we have had in working the Drainage Act has arisen through the drainage scheme covering more than one municipality, and the dispute between the municipalities as to what portion of the assessment each should bear. I think that this would be materially improved, if we could place the control of the drains under somebody other than the local municipal councils. I would not favor the control being given to the county council, because the same difficulties would arise when drainage was extended into two counties."

DAVID HUTCHINSON, Deputy-Reeve of Harwich, says: "I suggest that a municipality starting a drain when another municipality is affected, the engineer should go on and make his estimate throughout the whole territory to be affected, and if any of the other municipalities. after a notice has been served upon them, discovered anything wrong they should choose an engineer, and if the result was an even number of engineers appointed let them choose another disinterested engineer. I would have the engineers settle any disputes. I hold, that from the nature of their profession, they are the proper parties. Each township should be represented by an engineer in laying out a drain that affects two or more townships."

WILLIAM IRWIN, ex-Councillor of Raleigh, says: "The difficulty in the Raleigh Plains drain is more a question of how much Harwich, the township above us, is to pay, and how much Tilbury, the township below us, is to pay, than a dispute between the ratepayers in the respective three townships. I think the appointment of a Referee is a good one. I think the Referee is the cheapest way of ascertaining how much each township should contribute. We will get more uniform decisions from him. I think I have paid more than $11 an acre for drainage. I suppose, if the matter with reference to the county council passing by-laws where the drain affects two or more municipalities was left to a lot of good heads like the county council, they would do it all right. It might be expensive. According to what I hear about it the Referee is the cheapest way of doing it."

G. H. DOLSEN, ex-Deputy-Reeve of Raleigh, says: "We had no difficulty in working the Drainage Act as long as it was confined to our own township, but when it came to interfere with other townships, there is where the difficulty arose. There are no two decisions that agree. I claim that these laws should specially and distinctly state what should be done and what should not be done. I believe the engineers went according as the law dictates, as near as possible, but there have been flaws picked in it, and one judge will give one decision about it and another another decision. I think the appointing of a Referee is a good thing. The law should be amended in such a way that all parties using a drain should contribute a proportion for the construction."

J. F. LISTER, Q.C., Sarnia, says: "It should be made clear whether, where two or more townships are interested, the county council should have power to pass the by-law, or in the alternative the initiating township. In either case, power should be given to go through any number of municipalities to a sufficient outlet. Where two or more counties are interested give the initiating county

council the power, and it should apply to any number of municipalities regardless of county boundaries."

HECTOR MCFARLANE, clerk of Ekfrid says: "We have had trouble with other townships with respect to the amounts that they should pay."

JOHN RICHMOND, ex-Reeve of Colchester South, says: "We have several times had difficulty about the assessments in going through Colchester North. There was also trouble with Malden. We were seeking an outlet through the township below. Malden thought we were assessing their lands too high for the proportion of benefit they were receiving.

JOHN BENNETT, Reeve of Roxboro', says: "We have started two drains under the drainage provisions of the Municipal Act. One has been completely blocked. The owners of land in the county of Prescott inaugurated the drain. The water has its source in Stormont county and its outlet in Prescott county. The county council of Prescott passed the by-law and commenced the work in their own county. Tho council of Prescott served the engineer's report, plans and specifications on the warden of Stormont, Dundas and Glengarry. It came to the passing of the by-law, and the county council of Prescott would not go any further unless the township of Cambridge would indemnify the county of Prescott, and it has stopped there. Sub-section 2 of section 600 is bad, and the county council should be compelled to proceed without being indemnified."

THOMAS W. BROWN, ex-Reeve of Sarnia township, says: "There is a difficulty in regard to our township that has been a difficulty for some years. There is a portion of our township lying convenient to the town of Sarnia. There is no other way that we know of to drain it except through the town. That is the natural fall of the land and of the water and we had difficulty, so much difficulty that we were sued for damages for this water overflowing one individual in our township. There was a little bit of a drain on what they call Wellington street, this was in the township before there was a street. All this south part of the town used to belong to the township, and they took in so much of this what we call the new survey of Wellington street. We have a part of that in the township yet. Well, there was a small piece of ditch on this Wellington street, made partly by statute labor and partly by money. The earth was graded up and used as a road. There were two culverts put in. We then appointed a deputation to meet a deputation from the town, and we met, but we could not do anything; all that the town would do was, if we would agree to repair or keep in repair the old box drain that had been put in on Wellington street to the river, if we were willing to assume that and then put a box drain in through the rest of the part within the town, and then an open drain in our own township, the difficulty would be arranged. We were willing to go into a brick sewer. We had only six or seven, may be four or five hundred acres we wanted to drain, but we could do nothing. We were blocked by the town, and we could do nothing with the town in the shape of having an open drain cut through the town. What we said was this, you build a sewer for your own people, only build it a little larger than what they require and we are willing to pay for that extra size, only give us a good drain. The street is well settled on both sides, and they have an an outlet. I believe there ought to be an amendment to the Act in regard to this."

JOHN M. MOORE, P.L.S., London, says: "The Act should also be made clear that a majority would control, although the lands affected lie in two or more townships or counties."

GEORGE SHIRLEY, ex-Warden of Lambton county, says: "A great deal of difficulty arises now in trying to seek an outlet in another township. The engineer is instructed to go on and lay out a drain, and the law provides what he

is to do. He goes on and he says, I will do that. He says that is a good outlet. The other municipality gets on an engineer who will consider that it is not a sufficient outlet, hence there is a law suit. It is very hard to work, and very hard to legislate so as to make it suit all cases."

JAMES SERSON, Ridgetown, says: "I think it would be important under the present law to have a commission appointed, to make and control all drains that affect two or more municipalities. Take it out of the hands of the council, except as to passing by-laws and raising funds. I would substitute the commission for the county council."

JOHN DUCK, Ridgetown, says: "I would let the matter of petition rest with the municipalities that first inaugurated the drain, and this should not be called in question by any power above."

WILLIAM MANIGAULT, P.L.S., Strathroy, says: "Before you can carry a drain to a proper outlet, the petition upon which it is based is exhausted and no sufficient outlet is reached. The petition should be good, although in the minority, to enable a proper outlet to be reached and the lands along the course should be liable for assessment for benefit."

BENJAMIN RICHARDSON, ex-Councillor of Brooke, says: "In works affecting two or more townships, if the upper township desires to carry a drain into a lower township to a proper outlet, then to enable the council to act, a petition should be signed by a two-thirds majority of the owners of land to be benefited in the upper township. This should be sufficient authority for them to act upon, and assesses all along the drain for benefit, as well in the lower as in the upper township. I include in benefit outlet assessment."

HENRY HARDY, Reeve of Caradoc, says: "No drain should beconstructed from an upper into a lower township except on a petition of a majority of acres, and when the drain does no injury to low lands assess all for the benefit they receive."

CHARLES R. BURGESS, clerk of North Norwich, says: "These drains begin in the township of North Norwich, and run across the town line and find their outlet in Burford. We had no trouble with the lower township, there was an arbitration and the drain was constructed. We assessed Burford lands and they appealed on the ground that Burford being in the county of Brant we had no power and the county council sections applied. Another ground was that their assessment was too high. They also claimed that the petition was bad, as not being from the majority of those assessed in both townships. The difficulty now is, that two persons originally assessed and owning lands in Norwich notified the council of Norwich to clean out the drain to its original size. The council sent on an engineer, and he made a report and an assessment. The drain was made nine years ago and it has not been repaired since. The lower township positively refuses to repair their section. The engineer assessed more land than for construction, as persons not assessed for construction used the drain by leading into it. The report was adopted, the by-laws provisionally passed, served repor,t etc., on Burford and there was no appeal. Solicitors advised us that the case of *Nissouri* vs. *North Dorchester* was against us. MEREDITH advised us not to go on, as there would be legislation to get rid of the effect of that case. The engineer was sent on again, and he only assessed the lands which had been assessed for construction. Burford appealed and the matter was settled, the engineer's assessment stood unaltered. The by-law was never finally passed. WILSON advised that the by-law was invalid. MEREDITH & BAIRD held that we required a petition. I would be in favor of its being made perfectly clear that the upper municipality, on the petition of the majority of their own ratepayers, may construct a drain and carry it to a sufficient outlet in the lower township, with power to

assess all lands benefited in both townships and also to assess for outlet, if any such outlet is provided when the drain is constructed, or at any time afterwards in both townships.

E. H. SNIDER, Reeve of North Norwich agrees with Mr. BURGESS on all points touched upon by him.

E. B. BROWN, Dereham township, says: "The law should be made that if an upper township constructs a drain, and leads more water into the lower drain than it is able to carry, then the only remedies the lower township should have, it should be at liberty to proceed for damages or enlarge their drain at the expense of the upper lands, but they should not be allowed to prohibit the work by an injunction. We had a petition from the majority of the persons benefited in the upper municipality. The Reynold's creek is the only outlet for the water and it can't be taken in any other way. We have sent on an engineer and he has made a report, but the report has not been adopted by the council and nothing has yet been done. It should be made perfectly clear as to how far a drain can be carried into a lower municipality, to provide a sufficient outlet under section 575."

JOHN DUFFY, who is at the head of Reynold's creek, agrees with Mr. BROWN.

W. H. BURKE, P.L.S., Ingersoll, says: "That where work is done in more than one township, the engineer in his report should estimate separately the cost of the work in each township."

ROBERT RAE, ex-Warden of Lambton, says: "General principles should apply to such a case as *Orford* and *Howard*. The initiating township should have the power and not the county council. The county council clauses impede drainage."

The witnesses from whose evidence the foregoing extracts have been taken, and many others, complain of the great difficulty they have experienced in the working out of the provisions of the Municipal Act regarding drainage, when the proposed work affects more municipalities than that in which the work is begun.

The decisions referred to in the extracts will now be given.

Nissouri against *North Dorchester*, 14 Ontario Reports, page 294. The plaintiffs and defendants were adjoining townships. Certain low lands in each of them would be benefited by the construction of a drain through them. The majority in number of the owners of the low lands in the upper township of Nissouri petitioned to have a drain constructed so as to drain their lands. The engineer assessed ten landowners in the upper township, and thirty-nine in the lower. The by-law of Nissouri was duly passed, and this action was brought to compel the lower township, North Dorchester, to pass the by-law to raise its proportion of the cost of the drain which had been assessed upon the lands of the thirty-nine ratepayers of that township.

The township of North Dorchester claimed in its defence that the by-law was invalid, by reason of its being based on the petition of the landowners in the upper township only, while it should have been signed by a majority in both upper and lower to make it valid.

The case came on for trial before Chief Justice Sir THOMAS GALT, who, after having reserved judgment, decided that, as the work in question affected both the townships of Nissouri and North Dorchester, the county council was the proper authority to pass by-laws for such a purpose, and that the plaintiffs had no such power, and the action was dismissed with costs.

The case was appealed and came on before BOYD, C., and FERGUSON, J. Chancellor BOYD delivered the judgment of the court, and in course thereof, said: "This case involves the meaning of the clauses of the Municipal Act relating to Drainage when the work originates in one township and is carried into an

adjoining municipality. These sections have been characterized in a late case by the Court of Appeal as difficult and obscure, and the elucidation of them has not been aided by the diametrically opposite decisions of the Judge of the Supreme Court in the same case.

"I am inclined to agree with the result of the Judgment of GALT, J., that this is not a case contemplated by section 570 (now 569,) and following sections, but falling within section 598, because it is an entire work, the greater part of which is to be done in and paid for by Dorchester. The intent of the statute, it appears to me is, that if the drain projected in one township is carried into the neighboring township, it should only be for the purpose of outlet, where that can be found within a reasonable distance of the boundary. It cannot be that a few residents at the side of one municipality can initiate drainage proceedings from their land across the whole or greater part of an adjoining township, against the will of a large majority of those interested. The self-governing powers of municipal bodies would be thus destroyed, and besides a minority in one township would be able to coerce a majority in another township. But if such a case is within section 570 (now 569,) then I agree on the principle of construction applied to the municipal law which is enunciated in the judgment of HENRY, J., in 12 Supreme Court Reports, 333, though as at present advised I am not disposed to go so far as that learned judge. He says, page 334: 'It seems to me where the property is so situated in two townships, it would be necessary to show that the petition was signed by a majority to be benefited in both.'

"This construction appears to overlook the provisions of section 581 (now part of section 580). For the purpose of the Act the parts of both townships would be considered as forming a *quasi* municipality for the proper drainage of the particular locality, and then a majority of all that section formed by the combined parts of the two municipalities would be able to ask for, and if the council of the originating township thought proper, to obtain the needful relief. The result is, however, whichever view be taken, that the present judgment should be affirmed with costs."

FERGUSON, J., concurred.

The next is a case of *North Dorchester and John Coleridge* against *Dereham*, which is not reported. The facts of the case, in so far as necessary for our present purpose, are as follows: The township of Dereham is the upper, and North Dorchester is the lower, township. The former is in the county of Oxford and the latter in the county of Middlesex. A creek, known as the Reynold's creek, runs through North Dorchester and extends up into the township of Dereham. On the banks of this creek the plaintiff, John Coleridge, owned lands in the township of North Dorchester. Dereham proposed to construct a drain within its own limits, connecting with and having an outlet in the head of said creek. The petition for such drain was presented, the engineer was sent on and made his assessment and report, the report was adopted and the by-law passed. The action was to restrain the construction of the drain, as the plaintiff claimed it would, if constructed, bring down water more rapidly and in greater volume than came down at present, and the creek not having sufficient outlet the result would be damage to the lands and roads along the creek in the lower township.

The action was tried before Mr. Justice FALCONBRIDGE, at London, who decided in favor of the plaintiffs. The judgment as settled is as follows:

"This court doth find and declare that the proposed Reynold's creek extension drain, in the plaintiffs' statement of claim referred to and complained of, if constructed in accordance with the by-law herein mentioned would bring down upon the land of the plaintiff, John Coleridge, and upon other lands and roads in

the township of North Dorchester more water than has heretofore come down upon the same, and would also bring the same down more rapidly.

"This court doth further find and declare that the said proposed drain, if constructed in accordance with the said by-law, will not have a sufficient outlet.

"This court doth further declare that the plaintiffs are entitled to insist upon the defendant's engineer continuing his survey and levels into the township of North Dorchester until a sufficient outlet is obtained for the waters intended to be brought down by means of the proposed drain, so as to carry them off without overflow or otherwise injuring the lands and roads in North Dorchester, and doth order and adjudge the same accordingly.

"This court doth order and adjudge that the defendants, their officers, servants and workpeople, be and they are hereby restrained from constructing or proceeding with the construction of said drain in accordance with the plan proposed by the said by-law, unless and until such sufficient outlet as aforesaid for the water to be brought down by the said proposed drain is provided for by the defendants etc."

In *re Townships* of *Oxford* and *Howard*, 18 Ontario Appeal Reports, page 496, Mr. Justice OSLER, in the course of his judgment, says: "The power to assess for use of outlet is something entirely different from the power to assess for benefit derived from construction under sections 575 and 576. There the upper municipality in the one case, and the lower one in the other, constructed a drain which benefits lands in the adjoining municipality by draining them, and the area so drained is liable to be assessed for benefit under those sections. Assessment for outlet is another charge which may be imposed upon lands already sufficiently drained, by the drain which directly benefits them and for the construction of which they are assessed, but for the purpose of which drain and procuring an outlet for it, the municipality which has constructed it has taken advantage of the work of another municipality."

Mr. Justice MACLENNAN, in the course of his judgment, says: "The contention of the appellants is that, inasmuch as the waters of Oxford, on their way to the sea, pass through the part of the McGregor creek improved under the by-law, certain lands in Orford are liable to contribute to the expense of the improvements by virtue of sections 576, 585, 590 or 592 of the Municipal Act or some or one of them.

"I think it is perfectly clear that section 576 affords no support to the contention, for that section only authorizes the assessment of lands to be benefited."

Mr. Justice BURTON, in the course of his judgment, said: "There is some confusion caused by the use of the word 'benefit' which is not found in this section (590) and which has no application to cases within it. All that the engineer has power to do—all that he has professed to do—is to charge Orford, when it has used the McGregor drain as an outlet for its waters, with its share of the additional expense of enlarging the drain, which he might have accomplished by ordering the construction of a new drain in order to carry off the waters which it is alleged Orford has caused to flow upon lands in Howard. He did not pretend that the new work was any benefit to Orford, nor assess upon any such principle."

In the case of *The Township of Stephen* against *The Township of McGillivray*, 18 Ontario Appeal Reports, 516, Mr. Justice BURTON, in the course of his judgment, said: "The question in this case is, not whether the township had the power to construct these works, but whether they have shown any authority for assessing the adjoining township of McGillivray. They rely chiefly on section 576, but although it is probably a *casus omissus* which the Legislature would on application supply, it appears to me that that section, as at present framed,

applies only to assessment for benefit in the adjoining municipality, where the works do not extend beyond the limits of the municipality in which they were commenced. It is true, as it strikes me at present, that it is quite immaterial to McGillivray whether those works which are alleged to have benefited them are confined within the limits of Stephen or extend also into Bosanquet, but these statutes imposing burdens upon the public have to be construed strictly, and I think we should be assuming the functions of the Legislature were we to interpret the language of this section as the appellants desire."

Mr. Justice OSLER, in the course of his judgment, said: "Under the former sections (575 and 576) I think that the township of McGillivray could not be assessed at all. Not under 575, because the work was not carried into that township, nor under 576, because the work was not confined to the limits of Stephen, the initiating township, but extended into a lower township, namely, Bosanquet. These sections provide for two cases; one for assessing a lower township for work initiated by the adjoining higher township, where the work is carried into the lower for the purpose of obtaining a fall and outlet, where in so doing it benefits lands in the lower township; the other for assessing the adjoining higher township for work initiated by and confined to the limits of the lower, but which benefits the land or roads of the former."

Mr. Justice MACLENNAN, in the course of his judgment, said: "The reeve of the township of McGillivray was duly served with a copy of the report, plans, specifications, assessment and estimates of the engineer on the 9th of August, 1888, but that township never appealed, as provided by section 581 of the Act. The effect of this omission is declared by section 579 to be, that it became binding on the council of the municipality. The language of this section is loose, but I shall assume for the present purpose that it means not only the report but also the plans, specifications, assessment and estimates, and that when the section says it shall be binding on the council it means binding on the corporation. . . . It is quite evident the Legislature never intended that, unless appealed against, an engineer's report should bind the corporation served with it, no matter how illegal or how unauthorized its contents may be, as for example, where there was no petition in cases where petition was required, or where it appeared on the face of the report that he assessed territory not legally liable, or where any other illegality was apparent on the face of the report or the assessment. The township when served with a document plainly illegal might disregard it, and resist in the ordinary way any attempt to enforce it; I think, therefore, if there is anything illegal in this report, any excess of jurisdiction by the engineer, or by the originating township, it can be relied on as a defence notwithstanding the omission to appeal by arbitration. The assessment of the engineer does not distinguish in any way between lands assessed for benefit, as some of them may be, and land assessed for outlet, or for water sent down injuriously; nor does it appear how much is for benefit and how much for other causes. Part of the assessment being thus illegal I think makes the whole void, and the result is, in my judgment, that the action fails and was properly dismissed."

We recommend that any municipality which requires to invade the territory of another municipality for the purpose of carrying away to an outlet the surface water from its lands, should do so only upon a petition from a majority of the owners within the area required to be drained, and only to the extent necessary to obtain fall enough to convey the water beyond the limits of the initiating municipality. The next lower municipality should then continue the work to a proper outlet, if found within its own limits or without going within the boundaries of another municipality, as for example, upon road allowance between them. Should a proper outlet be inaccessible without invading the territory of the next

lower township, then allow the work to be continued until a sufficient fall is obtained as above. It would then be the duty of the township in which the work ended to continue it to a proper outlet.

The assessing power given to each municipality should be the same. They should each have power to assess for benefit, outlet and causing water to flow upon and injure lands, for the cost of the work executed by them respectively, and throughout its whole length.

As the work would in each case stop short of a sufficient outlet, it would naturally overflow and injure lands adjoining the end of the work, and the municipality doing the work above and sending the water down in a body would be liable for damages for the injury so caused. It would be manifestly unfair to prevent the municipality from continuing the work to a proper outlet, and at the same time render it liable in damage for not doing so. As soon as the engineer's report, plans, specifications and estimates are served on the reeve of the lower municipality, its council would have notice of the contemplated work, and could from the papers served ascertain its extent and end. Its time for moving to continue the work, however, should be regulated by the council of the upper township. It might frequently happen that the work above would not go on, by reason of the by-law being quashed or any other of the numerous casualties occurring to which such proceedings are subject, but when the upper municipality is satisfied that the work will be done, its council should pass a resolution to that effect with a request to continue the work and serve a certified copy upon the reeve of the lower municipality. The service of the copy of the resolution should empower the municipality so served to send on an engineer and proceed with the continuation of the work. Should the work in the upper township for any reason fail to go on, the council should out of its general funds pay to the council of the lower, all expenses incurred from the time of the service of the resolution to the time of receiving notice of the abandonment, or other stopping of the work. If the lower municipality neglects to proceed and continue the work within a reasonable time, and damages ensue owing to such neglect, the lower township should be made liable to the upper for all damages and costs recovered against it arising from imperfect outlet. These damages and costs should be paid out of the general funds of the township. According to this plan, the jurisdiction of each municipal council is, to the greatest extent, preserved.

The evidence, however, favors the upper municipalitp going through or into any number of other municipalities and providing drainage for such others as well as itself, and assessiug for benefit, outlet and causing water to flow upon and injure lands throughout the entire length of the work from head to outlet. It is feared that if this course were adopted the right to provide drainage or not would rest with the municipal council of a foreign corporation and endless litigation would follow.

Another suggestion is, to give power to the upper municipality to continue the work necessary to provide simply an outlet for the water discharged from that township, without providing any drainage for the lands in the lower, and without power to assess the lands in the lower, except for the incidental and clear benefit conferred by the work wholly intended for outlet purposes. This would entail upon the upper township the expense of levelling the earth excavated from the drain, or if not spread the lower township would have to move it again whenever the drain was enlarged to provide drainage for its own ratepayers.

In the event of insufficient funds being raised under the by-law to complete the work, power should be given to amend the by-law or pass a new one to provide for any such deficiency; and, on the contrary, if more money is raised, then

enough to complete the work, and any municipality other than the initiating one has been assessed for it, the surplus should be divided between or among the municipalities contributing in proportion to their settled assessment for raising the money.

Section 583 provides as follows:

"(1) After such work is fully made and completed, whether the work has done under this Act or under any other or former Act respecting drainage works and local assessment therefor, it shall be the duty of each municipality, in the proportion determined by the engineer, surveyor or referee (as the case may be), or until otherwise determined by the engineer, surveyor or referee, under the same formalties, as nearly as may be, as provided in the preceding section, to preserve, maintain and keep in repair the same within its own limits, either at the expense of the municipality or parties more immediately interested, or at the joint expense of such parties and the municipality, as the council upon the report of the engineer or surveyer may seem just.

"(2) Any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any person interested therein, and who is injuriously affected by such neglect or refusal, may be compellable by mandamus, to be issued by the referee or any court of competent jurisdiction, to make from time to time the necessary repairs, to preserve and maintain the same, and shall be liable to pecuniary drainage to any person who or whose property is injuriously affected by reason of such neglect or refusal.

"(*a*) Provided, nevertheless, that any municipality after receiving such notice may, within fourteen days thereafter, apply the referee or the judge of the county court of the county in which the municipality is situate to set aside the notice. Such application may be made upon four days' notice to the person or persons who gave the notice to the municipality, and the referee or the judge shall, after hearing the parties and any witnesses that may be called or other evidence, adjudicate upon the questions in issue, confirm the notice or set it aside, as to him shall deem proper, or order that the said work shall be done wholly or in part, and the costs of and concerning the said motion shall be in the discretion of the referee or judge, except as hereinafter mentioned, and may be taxed upon the county or division court scale, as the referee or judge may direct.

"(*b*) Should the referee or judge find that the notice to the council was given maliciously, or vexatiously, or without any just cause, or to remove an obstruction which, under section 588 of this Act, it was the duty of the person giving the notice to remove, he shall, notwithstanding anything hereinbefore contained, order the costs to be paid by the person giving such notice.

"(*c*) And costs which the municipality may be called upon to pay, by reason of any proceedings in these clauses mentioned, shall be a charge upon the lands benefited, and may be levied and collected in the same way as the cost or expense of keeping the drain or ditch in repair are levied and collected.

"(*d*) A mandamus against the municipality shall not be moved for until after the lapse of fourteen days from the date of service of the notice upon the municipality in any case.

"(*e*) Any party to such proceedings may appeal to a Divisional Court of the High Court of Justice from the decision of the judge, upon the application, and the proceedings in and about such appeal shall be the same as nearly as may be as upon an appeal from the decision or judgment of a judge of the County Court under chapter 47 of the Revised Statutes of Ontario, 1887, and from the decision or judgment of the referee as is provided by the 17th section of *The Drainage Trials Act, 1891.*

"Upon any such appeal the court may determine whether a mandamus shall issue or otherwise, and may make such order as will do justice in the matter.

"Nothing herein shall authorize an appeal upon the mere question of costs."

JACOB C. SHEPLEY, Councillor of Gosfield South, says: "I may feel that it is necessary that I, who may own a lot above another, may want a drain down through his lands cleaned out, and if I am compelled to get his consent to this I may never get out. We have had several cases where North Gosfield passed a by-law and asked us to contribute a certain amount. Some provision should be made for the levying of the deficiency upon both municipalities interested in a by-law passed by the initiating municipality in case the funds raised by the first by-law prove insufficient for the completion of the drain. I think $200 is too small a limit."

GEORGE W. COATSWORTH, Clerk of Gosfield South, says: "We have had some difficulty in regard to the maintenance of drains constructed by the old township. Quite a number of our drains are small, and they have to go through the other township, and the expense of the repairs by calling in the two by-laws very often amounts to half what the drain is worth. We have a case at present in which the drain was reconstructed up close to our lines and the engineer assessed us thirteen cents per acre. The application for repairs by a single individual is a pretty hard thing to get over, but I think the law as it is gives a man redress."

THEODORE WIGLE, ex-Reeve of Gosfield, says: "With reference to the repairing of a municipal drain, I think that a majority of the persons interested should petition the council for the repairs to the drain just in the same way as for construction, before the council can be compelled by mandamus to make the repairs or be held in damages for neglect to repair. My reasons are that one or two individuals are constantly giving notices to corporations to have drains cleaned out, and this increases the burden of taxation upon lands in the township; whereas if the majority is required they will not make application to the council unless the drain is really in need of repair, and the drain can be repaired more satisfactorily and at less expense to the parties interested."

ALEXANDER PETERSON, ex-Deputy Reeve, Gosfield South, says: "In the old township of Gosfield a drain was constructed by the then municipality running in a southerly direction. The township was afterwards divided into North and South Gosfield, leaving the upper section of the drain in Gosfield North and the lower section of it in Gosfield South. The drain in Gosfield South at the present time requires repairing, and we think it unreasonable that the lands in Gosfield South should pay the whole expense, on account of the improvement to that portion of the drain in Gosfield South furnishing an improved outlet for the upper section of the drain and the lands assessed therefor. Where a township has been divided without any provision being made for the maintenance of drains already contructed, some provision should be made in a general law to cover such cases."

DELOS R. DAVIS, Barrister, Amherstburg, says: "Our township has had some trouble with adjoining townships in that way, the latest of which was Anderdon. This township is lower than ours; the water would pass from Colchester South into Anderdon. The council should have forty days after notice for repair is given before being liable to be proceeded against."

REUBEN C. TAYLOR, Tilbury West, says: "I think the number of persons who should apply to the council in order to have a drain repaired or cleaned out would depend a good deal on the circumstances. One man should not be able to enforce repairs on a drain over a mile and a half long. When a drain is to be enlarged it should be done on the application of one-half of the persons benefited.

The council should not expend more than one-fifth of the construction price in making repairs to a drain without sending on an engineer."

Robert Wilkie, ex-Councillor of Harwich, says: "I do not think that the enlargement of a drain should be proceeded with without a petition. I am of opinion that the council should not be compelled to repair a drain upon the demand of one man only. There are many defects in the drainage law."

Jonas Gosnell, Reeve of Howard, says: "I would give one man the privilege of giving notice to repair. I think one man should have the right to apply for the cleaning out of the drain. Of course he cannot compel it, but it places him in the position where he can get redress even if the others are against him."

John T. Brown, Reeve of Gosfield North, says: "As to maintenance, I would rather have each township repair that portion within its own limits."

Henry Hardy, Reeve of Caradoc, says: "One person giving notice should be enough to force repairs to be done."

Albin Rawlings, ex-Warden of Lambton, says: "One man should be allowed to give notice for repairs and compel the repairs to be made."

Frederick Arnold, Howard, says: "In the matter of making repairs on a drain, they should be made equal on the whole drain. It is a pretty hard question for me to answer, as to what is a reasonable time for notice to repair to be given to the council in order that they may comply with it. I think the notice of one person interested in a drain is sufficient. If not, it might be hard to get a notice. There might be one injured and the other not injured, and you might never be able to get a drain repaired if you had to get a majority."

C. Darling, Howard, says: "In making repairs, the question as to whether the assessment should be placed on all lands assessed for construction or only on those above where the repairs are needed, is one that should be left in the hands of the engineer. There is a drain that comes through a corner of my place; it would be impossible to get a majority of them to clean it out. The cost should be spread over the whole drain. One month is a reasonable time for notice to repair to be given to the council in order that they may comply with it."

L. E. Vogler, ex-Reeve of Zone, says: "The council should have power to extend a drain when the cost would not exceed $200. The extension should be at the mouth of the drain. Where the upper portion of the drain is in need of repair, and the lower portion is not out of repair, then there should be a new assessment by an engineer and the upper lands charged."

Arthur Leverton, Reeve of Zone, says: "One ratepayer may demand the cleaning out of a drain and the others complain of this being done. It is wrong not to be able to repair a part of a drain without repairing the whole drain. It ought to be made clear, whether the upper part of the drain or the drain as a whole should be made liable for the repairs of any part of the drain, with or without the report of an engineer."

William Whitebread, Wallaceburg, says: "One man whose land is injured should have power to give notice to repair."

John S. Fraser, Barrister, agrees with Whitebread, and further says: "If one person interested in a drain gives reasonable notice to the council that a drain is out of repair, then this notice should enure to the benefit of all persons interested in the drain, and not to himself alone, as is now the law."

Zenas Orton, Deputy-Reeve of Gosfield North, says: "I would agree to the striking out of the Divisional Court in sub-section E. I would not say that every lot has had trouble in repairing, but for cleaning out and such things as that we have. I think $200 for extension is too limited; I would double it; it should be at least $400. I would not limit the amount for repairs."

GEORGE MORSE, ex-Reeve of Mersea, says: "I think the statute, with regard to allowing the corporation to expend $200 on minor repairs, is sufficient as it is now. They might in some instances increase it. Still, in corporations, like everything else, you don't want to give them too much scope. Two hundred dollars will do any ordinary little thing that is out of order. A man should not recover damages until after he has given notice of the defect in the drain."

W. G. WILLOUGHBY, Clerk of Brooke, says: "In sections 583 and 586 where the cost of deepening, widening, etc., is limited to $200, it should be limited to a certain proportion of the original cost, as a fifth, or a tenth, as in some cases the $200 would be plenty, but in others entirely insufficient."

R. H. COLEMAN, Toronto, says: "In a case of *Read* vs. *McKillop*, tried by an engineer, he said: I am forced to the conclusion from the arguments that no repairs should be made at any time without an engineer being sent on to see what has caused the requirement of such repairs. The complaint of the person that the drain is out of repair, should state specifically as to location and character of the obstructions complained of, so that the information may be given to the council. If the council is of opinion that it is ordinary wear and tear, then put it against the whole construction assessment."

ROBERT RAE, Reeve of Thedford, says: "The repairing is all right now. The only change I would make would be to increase the $200 for enlarging, widening and extending to $500, and above this the engineer should be sent on and a new assessment made. This I would apply to extension only."

THOMAS HAINES, ex-Reeve of Moore, says: "As to the $200 for extension, it is not much use in its present form, and should be extended to $400, subject to an appeal to the Court of Revision, which should be final."

THOMAS STEDMAN, ex-Reeve of Enniskillen, says: "The $200 to be spent on the extension of a drain without calling on the engineer is all right as it is, and if any greater amount is spent then call on the engineer."

DAVID BRANDT, Bosanquet, says: "The extension to the amount of $200 is too small; it should be increased to $500. Make the extension optional with the council as to whether they may send on the engineer or not. He may be required to go on, should any persons be benefited by the extension and were not before assessed for the drainage work."

JOHN RICHMOND, ex-Reeve of Colchester South, says: "$200 is sufficient. It is seldom necessary to spend more than that amount."

RICHARD EADE, ex-Councillor, Gosfield South, says: "I think that in place of the one man power, one-third of the parties interested should sign a petition. I don't think that one man is likely to be affected without having others affected. I would say a larger proportion than one anyhow. More than one should petition for repairs which involve a reconstruction. I would favor in our township increasing the responsibility to $400 for cleaning out. We can trust our township with $400 for cleaning out a ditch without an engineer's report."

CHARLES FOX, ex-Reeve of Gosfield South, says: "The council should be at liberty to expend the $200 provided for in the Act to make the repairs required without passing a by-law; that might overcome the one-man power. It should be optional with the council to spend any amount required to remove a source of complaint."

We shall now notice some decision of the courts upon the provisions of this section.

Crysler against *The Township of Sarnia*, 15 Ontario Report, page 180. The action was one brought by Jacob Crysler against the Township of Sarnia, claiming damages for the flooding of his land by allowing too much water to run

into certain drains and not providing a proper outlet therefor, and for not keeping the drains in proper repair.

Besides denying the allegations on which the plaintiff founded his claim, the defendants, in their statement of defence, claimed the benefit of the Act in force in Ontario relating to Municipal Institutions, and at the trial, which took place in Sarnia, raised the contention as to the necessity for written notice by the plaintiff before the action would lie. It was held by the Chancery Divisional Court affirming the decision of Mr. Justice ROSE, who tried the case, that the proper construction of sub-section 2 of section 583 as a pre-requisite to the maintenance of an action for damages arising from neglect to repair, there should be reasonable notice in writing given by the plaintiff to the municipality alleged to be in default, and this requirement is not confined to the remedy by mandamus. It was therefore held that in this action, in which the plaintiff sued a municipality for flooding his lands by not providing a proper outlet for certain drains, that inasmuch as there was no evidence of injury, other than arising from the non-repair, and as to this no statutory notice had been given, the plaintiff's action must be dismissed.

White against *Gosfield*, 10 Ontario Appeal Reports, page 55. A drain constructed by a municipality wholly within the limits thereof, having fallen into disrepair, the plaintiff, whose lands were injured thereby, gave written notice to the council, calling upon them to repair, which they omitted to do."

It was held by the Court of Appeal for Ontario, that the plaintiff was entitled to damages in respect of his lands so injuriously affected, the result of such neglect to repair that the case came under section 542, Revised Statutes of Ontario, chapter 174, and that if it did not he would be entitled to recover under section 543, for the neglect of the statutory duty to repair as directed thereby.

Section 542 above mentioned is the same as section 583 which we are considering, in so far as the decision goes.

Section 543 above mentioned is the same as the first sub-section of section 586 which will be considered later on.

The effect of the said decision is, that the duty to repairs under section 583 is not confined to drains running from one municipality to another, but applies as well to drains constructed by a municipality wholly within its own limits.

The case of *Williams* against *The Township of Raleigh* has gone up through the Divisional Court, Court of Appeal for Ontario, Supreme Court of Canada, and is now before the Judicial Committee of the Privy Council for argument. We shall give extracts from the judgments of the Supreme Court hearing upon the section now under review.

Mr. Justice GWYNNE, in the course of his judgment, said: "The liability of the defendants in the present case cannot, in my opinion, be held to depend upon their having or not having had given to them the notice mentioned in sub-section 2 of section 583. The Raleigh Plains Drain is a drain coming under the provisions of section 586, that is to say, a work completely within the limits of the municipality in which it was commenced, and which did not benefit any lots or roads in another municipality. That sub-section is limited to works constructed within the provisions of the preceding sections from section 575 to 583, that is to say, works commencing in one municipality and continuing into another or benefiting lots and roads in another municipality. Drain number one was constructed under 33 Victoria, chapter 2, which had no such clause as sub-section 2 of section 583, but by section 487 of the Act, section 586 of that Act is made to apply to drains constructed under 33 Victoria, chapter 2, while no such provision is made as to section 583, so that by this section 587, the legislature seems to me in an unequivocal manner to recognize the fact that section 586, as its language seems

in plain terms to convey, applies to cases quite different from those to which section 583 applies.

But if sub-section 2 of section 583 did apply to the present case, it could not, in my opinion, be construed as divesting the plaintiffs of the Common Law right of action, which every one has for injuries occasioned by a plain neglect, on the part of the defendants, to perform an imperative duty imposed upon them by statute. The section must rather be read as conferring a benefit additional to such Common Law right, and as providing that any person sustaining injury after such notice, shall have a right to the mandamus, besides the right to recover pecuniary damage for the injury consequential upon neglect after notice of the happening of such injury, which, after such notice, may be held to be conclusive evidence of negligence, but such a provision cannot be construed as divesting a plaintiff of a right of action therefor accrued by continued neglect of an imperative duty imposed upon the municipality by statute, to preserve, maintain and keep in repair, the drain when constructed, of the necessity of repairing, which the council may have had abundant evidence while the party injured may have been wholly ignorant. However, for the reason already given, I am of opinion that the plaintiff is entitled to recover, apart from any question as to notice referred to in such sub-section 2 of section 583."

Mr. Justice PATERSON, among other things, said: "The drain is wholly within the municipality in which it is commenced and does not benefit the lands or roads in any other municipality. Section 586 declares that it shall be the duty of the municipality making 'such a work' to preserve, maintain and keep in repair the same at the expense of the lots, parts of lots and roads, as the case may be, as agreed upon and shown in the by-law when finally passed. The question whether the duty of keeping in repair drains which do not extend into or benefit the lands or roads of another municipality is created by this section 586 or by section 583 is important, because section 583 gives the right to a mandamus to compel performance of the duty it imposes, only after a reasonable notice to repair, and also, as I read it, makes the notice essential to the liability of the municipality to pecuniary damages for injuries caused by neglect or refusal to repair, while section 586 is silent on those subjects. Section 583 is wide enough in its terms to include both classes of drains, those extending into or benefiting more than one municipality and those to which section 586 relates. The language is, after such work is fully made and completed it shall be the duty of each municipality, etc., etc. What is meant by 'such work?' I understand those words to mean any of the works authorized by section 569; we find the same expression in section 586 which reads thus: 'In any case wherein after such work is fully made and completed, the same has not been continued into any other municipality than that in which the same was commenced, or wherein the lands or roads of any other municipality are not benefited by such work, whether the work has been done under this Act or under any former or other Act respecting drainage works and local assessment therefor, it shall be the duty of such municipality making such work to preserve, maintain and keep in repair the same at the expense of the lots and roads, as the case may be, as agreed upon and shewn in the by-law when finally passed.

"In both sections the term 'such work' means the same thing and that is, as seems to me very evident, any work under section 569. Section 583 casts upon each municipality the duty of preserving, maintaining and keeping in repair the work within its own limits, either at the expense of the municipality or parties more immediately interested, or at the joint expense of such parties and the municipality as the council upon the report of the engineer or surveyor may deem just. Now, this discretion as to the apportionment of the cost of maintenance

and repair was not considered necessary in the case of works that were entirely local in their effect as well as in their situation. Section 586 accordingly declares by whom the expense of maintaining works of that class is to be borne, giving the council no discretion in the matter. The office of section 586 I take to be not to impose the duty or to declare what shall be the consequence of neglecting it, those things being already done by the earlier section, but to declare at whose cost the duty is to be performed. In the case *White* against *Gosfield*, 10 Ontario Appeal Reports, 555, I gave my reasons for so reading the statutes as they then stood at the date of that decision, and I do not think the effect of the clause as now found in the Revised Statutes of Ontario, 1887, even with the slight amendment made in 1889, is different from what I then considered it to be, notwithstanding some ambiguities that have been allowed to creep in. The most serious of these ambiguities occurs in sub-section 9 of section 569 in the last part of the sub-section which represents an amendment in 1886. If I am right in my understanding of the effect of these sections, 583 and 586, the provisions of sub-section 9 to which I refer may, perhaps, fail in its intended effect, while if I am wrong an unexpected and not very creditable anomaly will appear. It would have to be held that a person complaining of the want of repair of a drain lying wholly within the municipality is free from the restrictions prescribed for his neighbors whose drain is in all respects like the other, but happens to benefit some land across the township line while the first has not that effect.

"No such anomaly can have been intended, nor does it, in my opinion, arise upon the proper reading of the statute.

"The duty to repair thus arising under section 583, the plaintiffs are not entitled to their mandamus unless they gave a reasonable notice to repair as required by that section. I cannot agree with the learned arbitrator that the notice given in 1883, and which was at that time complied with, whether sufficiently or not, can support the claim now pressed, and I agree with the Court of Appeal that the mandamus ought not to have been ordered.

"Section 583, as I understand it, further makes the notice a necessary preliminary to the liability of the municipality to pecuniary damage to any person who or whose property is injuriously affected by reason of neglect or refusal to repair according to the notice, but this does not, in my opinion, affect the right of the plaintiffs to the damages now awarded to them. The work of preservation, maintenance and keeping in repair under section 583 and 586 includes (by the express terms of those sections) the deepening, extending and widening of a drain in order to enable it to carry off the water it was originally designed to carry off. But this Government drain No. 1, which is a work to the cost of which the plaintiff contributed, was not originally designed to carry off the waters that in later years were turned into it. Those are the waters which, if I correctly understand the finding, overflowed from the drain. The duty of the council towards the plaintiffs was to prevent those waters from injuring their lands. Whether or not that could have been done by clearing out, or enlarging or otherwise repairing the drain, the purpose of repairs not being to enable the drain to carry off the waters it was originally designed to carry off, section 583 does not stand in the way of the recovery of the damages in question."

The Chief Justice concurred with PATERSON, J., STRONG, J., concurred with GWYNNE, J., TASCHEREAU, J., took no part in the judgment.

There is a widespread misunderstanding of sub-section (3). Some claim that the expenditure of $200 applies to the deepening, extending or widening of a drain, while others contend that it applies to the extension only, and that the deepening and widening may cost any sum as long as it is done to enable the drain to carry off the water it was originally designed to carry off.

The section, before the amendment of 1887, which introduces the amount of $200, read as follows:

"The deepening or widening of a drain, in order to enable it to carry off the water it was originally designed to carry off, shall be deemed to be a work of preservation, maintenance or keeping in repair within the meaning of such sections."

At the January session of the county council of the county of Lambton, in 1887, a special committee on drainage brought in a report recommending, "That the Legislature at the next session be requested to amend the Drainage Act, 1883, and amendment thereto, to enable any municipality without a petition or report of an engineer, or publication of the by-law, to extend a drain to a satisfactory outlet, in case the cost of such extension does not exceed two hundred dollars, and to charge the cost of such extension *pro rata* to the lots, parts of lots, and roads, as last assessed for the original construction or repair of said drain."

During the next session of the Local Legislature the above sub-section was amended in pursuance of the above recommendation, and after the amendment the sub-section read as it does now, namely: "The deepening, extending or widening of a drain in order to enable it to carry off the water it was originally designed to carry off, shall be deemed to be a work of preservation, maintenance, or keeping in repair within the meaning of this section, provided the cost of such extension does not exceed the sum of $200, and in every case when it exceeds that amount proceedings shall be taken under the provisions of section 585."

It therefore clearly appears that the intention of the Legislature was to confine the limit of $200 to the outlet extension only, and not to the lateral extension of the drain by deepening and widening, and thereby giving it increased dimensions. If this be the correct interpretation, then there is no limit or restriction put upon the deepening or widening except that of enabling the drain to carry off the water it was originally designed to carry off. Putting a strict construction on the words "to enable it to carry off the water it was originally designed to carry off," the deepening and widening as well as the extending of the drain could only be done while only the lands and roads that were originally assessed for the construction of the drain used it after construction, because it was the waters from them it was originally designed to carry off. If any other land or lands, road or roads drained water into it after construction and before the deepening, widening or extending than those assessed for construction, the work could not be done under this sub-section.

It is further clear that the intention was to extend the drain in the direction of the outlet or downwards, and not upwards from the head of the drain as contended for by some.

The object of the sub-section evidently is, to enable the municipal council to observe the working of the drain when constructed, and if a mistake in judgment on the part of the engineer is made apparent by the action of the water, either in the capacity given to the drain along its course or any part of it, or in the outlet, the council can proceed to deepen and widen so far as to make the drain contain and convey the water to the outlet, and also expend up to $200 in extending the outlet, without incurring the expense of bringing on the engineer, or having a Court of Revision, or publishing the by-law.

We recommend that the provisions of sub-section 1 of section 583 should be made to apply to all drainage works so as to include within its scope the case of a work wholly within the limits of one municipality and conferring no benefit on lands or roads in another municipality, now provided for by section 586, sub-section 1.

Sub-section 2 of 586. This sub-section should provide that any drainage work, constructed in whole or in part, out of the general funds of any one or

more municipalities, and whether benefiting the lands or roads in one or more municipalities, and whether situated on town or county lines, or partly on such lines or otherwise, may, without petition on the report of an engineer employed by any municipality interested, be converted into a drainage work under the provisions of the Municipal Act for the preserving, maintaining and keeping same in repair, and the costs of such proceedings should be assessed against the lands benefited.

Sub-section 3 of 586, this power should be retained.

Sub-section 2 of 583, the giving of reasonable notice in writing to the municipal council by any person interested, and who is injuriously affected by the drainage work being in a bad state of repair, should be imperative in all cases. The person complaining should be required to specify generally the portion of a drain complained of. The notice should be made a condition precedent to the recovery of damages as well as the right to a mandamus.

Clause (c). The costs should be charged on all lands and roads within the municipality as last assessed for construction or repair of the drainage work.

Clause (e). Substitute for the "Divisional court of the High Court of Justice" the "Court of Appeal for Ontario." The case may as well go to the Court of Appeal first as last, and the change would put such cases in the same channel and in the same courts as other cases tried by the Referee under the Drainage Trials Act, 1891

Sub-section 3 of 583 and 4 of 586. These sub-sections are exactly alike and should apply to all drainage works. The suggestion made by MR. WILLOUGHBY, at Brooke; MR. TAYLOR, of Tilbury West; and others, to change the fixed sum of $200 into a fractional part of the cost of construction, has considerable force. We therefore recommend that the deepening, widening or extending to an outlet of *any* drainage work shall be deemed to be a work of preservation, maintenance, or keeping in repair, provided the cost of such deepening, widening or extending does not exceed one-fifth of the cost of construction, and in no case to go beyond $400.

Sub-section 5 of 586 retains this:

Section 584 provides that, "After any works undertaken under section 598 are fully made and completed, it shall be the duty of each minor municipality to preserve, maintain and keep in repair to same within its own limits, in accordance with the requirements of the preceding section, which shall be applicable thereto."

Section 598 provides for a drain affecting two or more townships, and for the county council passing the by-law for the construction of the drainage work. After the drainage work is completed, section 584 provides for the repairs and introduces section 583 for the machinery to work out the repairs. If section 583 be amended so as to include all drainage works, then there will be no need for a reference to it in section 584, and if the county council clauses be not retained there will be no use for section 584. The consideration of these matters will be in order after reviewing section 598, which deals with the construction, while this provides for repairs.

Section 585 is as follows:

"(1) In any case wherein the better to maintain any drain constructed under the provisions of this Act, or of the Ontario Drainage Act and amendments thereto, or of the Ontario Drainage Act, 1873, or of any other Act respecting drainage works and local assessments therefor, or of the Municipal Drainage Act, or to prevent drainage to adjacent lands, it shall be deemed expedient to change the course of such drains, or make a new outlet, or otherwise

improve, extend or alter the drain, or to cover any portion of said drain where it passes through a ridge of land, the council of the municipality, or of any of the municipalities, whose duty it is to preserve and maintain the said drain, may, on the report of the engineer or surveyor appointed by them to examine and report on such drain, undertake and complete the alteration and improvements or extension specified in the report under the provisions of sections 569 to 582, inclusive, without the petition required by section 569, and the engineer or surveyor, Court of Revision county judge or referee (as the case may be) shall, for such alterations, improvements and extension, have all the power to assess and charge land and roads conferred by said sections and section 590.

"(2) When the engineer or surveyor reports that the covering of any portion of a drain that has been or which may hereafter be constructed under the provisions of any of the aforesaid Acts, is necessary for the efficiency of any such drain and is necessary to the better maintaining and keeping in repair any such drain, then in such cases he shall determine the size and capacity of the proposed covered portion of said drain, and also the material to be used in the construction thereof."

The county council of the county of Lanark is of opinion, that if any portion of the drain is covered there should not be an open part above the covered so as to bring down more water than the drain where covered will carry away. They favor the covering, beginning at the head of the work and being continuous.

JONAS GOSNELL, Reeve of Oxford, says: "I think the law enabling a person to cover in a part of the municipal drain by tiling, is a good law, if the tile were put in sufficiently large so as to prevent an overflow of water at the head of the tile, which would be provided for in the report of the engineer, or competent person whose business it would be to see that the work is done right."

R. H. COLEMAN, Civil Engineer, Toronto, says: "If under the Ditches and Watercourses Act any part of the drain is allowed to be covered, the drain ought to be covered from the head continuously down until the open portion is reached, and catchwater basins should be provided for by the engineer at the end of each man's section."

JOHN SHEEHAN, Deputy-Reeve of North Norwich, says: "A drain made under an award was constructed some years ago in our township. The lowest section was an open drain, next was a covered section, next an open section, then another covered section, and lastly an open section at the head. The central open section being through woodland, leaves and branches were brought down and choked up the tile drain. I have tried boxing and putting in stones, but nothing will avail to prevent the water from flowing on the land, where the tile or covered part begins, and injuring it. Power should be given to the engineer to go on and direct the open drain causing the trouble to be converted into a covered drain."

THOMAS HAMILTON, Reeve of Winchester township, says: "A covered portion of a drain between two open portions would never work and should not be allowed. When any drain is covered, then in every case the covering should begin at the head of the drain."

The views as above set forth in extracts from the evidence are generally supported by the other witnesses.

In *re Township of Anderson* and *The Township of Colchester North*, 21 Ontario Reports, page 476, was a case which caused an interpretation to be put upon the first sub-section of section 585, which is being considered. The facts will appear in the judgment. The application was made before Mr. Justice STREET, and the learned judge, in the course of his judgment, said:

"This was an application by the corporation of the township of Anderdon for an order in the nature of a prohibition directed to the arbitrators appointed in a drainage matter under section 581, *et seq.* of the Municipal Act, forbidding them to proceed with the arbitration upon the ground that the by-law for the construction of the drainage works in question was passed without the necessary foundation of a petition under section 569 of the Act.

"I have come to the conclusion that the drain comes within either section 569 or section 598 of the Municipal Act and not within section 585. The by-law was practically one providing for the deepening and straightening of the stream called Shouel's creek, in order that it might be made fit to carry off the water which the township of Colchester was about bringing to the neighborhood of its source by the extension, which was then under construction to the eighth lot east of the townline, of the drain known as the 14th concession drain in Colchester; it was not merely making a new outlet for the short drain across two lots in the 14th concession which had been constructed in 1882, because that short drain appears to have had a sufficient outlet for the water which came into it. The document under which the proposed drainage works into Colchester was really founded being the petition of 12th September, 1889, signed by John W. Taylor and others, shows this, the report of the engineer appears so to treat it, and the by-law in question does not profess to authorize merely the outlet for an existing drain, but the construction of a new work, and recites a petition for that purpose.

"Being a work under section 569 a petition was an indispensable preliminary to the passing of a by-law, and the petition here is clearly insufficient. It is a protest against water being brought down to the townline by the proposed new 14th concession drain, and a threat to hold the corporation liable for any damages resulting from it, and a prayer that if they do build the 14th concession drain they will order the surveyor to carry it to a sufficient outlet to prevent damage to the property of the petitioners. The work to be done is not specified nor is the property to be benefited set forth, and the request is conditional. The petitioners do not ask that their property be improved, but only that if the council brings water upon them it will provide means for carrying it away; it is evident they do not contemplate being assessed for the removal of an existing evil; they do not complain of the existing state of things at all. The order should go and the costs of the motion should be paid by the corporation of the township of Colchester North, who are parties to the motion and have appeared to oppose it."

The defendants, the township of Colchester, moved by way of appeal from the above judgment, and the motion came on to be heard by the Divisional Court (composed of GALT, C.J., and ROSE, J.

Chief Justice Sir THOMAS GALT, in the course of his judgment, said: "There are two questions discussed before us (1) as to the necessity of a petition, and (2) as to the right to grant prohibition under the circumstances to which I will presently refer. As regards the first question, I fully concur in the opinion expressed by the learned judge that the drain in question was to be constructed under the provisions of section 569 and not under those of section 585. It is manifest from the provisions of by-law No. 212, and from the petition in consequence of which such by-law was enacted, that the work therein proposed was done under the provisions of section 569 in which the township of Anderdon had no interest whatever. When by-law 226 was introduced it expressly stated that it was done in accordance with a petition and it is quite manifest that no such petition had ever been presented. In my opinion, therefore, as the works were done under

section 569 and not under section 585, a petition was absolutely indispensable, and this ground of appeal cannot be allowed."

Mr. Justice ROSE, in the course of his judgment, said: "This was an appeal from the order of my learned brother STREET, prohibiting arbitrators appointed in a drainage matter from proceeding with the arbitration upon the ground that the proceedings were not founded upon a petition. Early in 1889 a petition was presented to the council of Colchester North asking for the construction of a ditch on the north side of the road allowance between concessions 13 and 14, from a point near the line between lots 6 and 7 westerly to the line between lots numbers 2 and 3, where, the petition said, such ditch would connect with an old ditch. Upon such petition such proceedings were taken as resulted in the construction of a ditch from the boundary line between lots 8 and 9 to the townline between Colchester and Anderdon. After such work was determined upon, certain parties, on the 12th day of September, 1889, sent in a petition to the council of Colchester North, stating that they were the owners of lands on the townline between Colchester North and Anderdon, and calling attention to the fact that there was danger of damage to their lands by overflow in consequence of no sufficient outlet being provided by the ditch referred to. The petitioners threatened to hold the council liable for all damages that their property might sustain by water brought thereon by such ditch, and prayed the council, in case of the ditch being made, to order the surveyor to continue it to a sufficient outlet. The engineer for Colchester accordingly proceeded to make the necessary examinations, and determined to construct a drain along the east side of the townline betwen Colchester and Anderdon to Shouel's creek, and thence following the course of the creek to the line between lots 11 and 12 in the 8th concession of Anderdon. The objection was that this drain along the east side of the townline and the course of the creek was a new work distinct and separate from the drain as mentioned, and that the work could not be executed without a petition.

"My learned brother STREET, was of the opinion that either section 569 or 598 of the Municipal Act applied, and that section 585 did not apply. I am unable to agree with such conclusion. It seems to me that section 585 in terms applies. The council of Colchester North either had constructed or were constructing the drain first mentioned when, finding that the the outlet was insufficient to prevent damage to adjoining lands, it was deemed expedient to make a new outlet, or otherwise improve, extend or alter the drain, and this, it seems to me, was what the council was proceeding to have done in taking steps to have the drain constructed along the east side of the townline, and following the course of Shouel's creek, and so it became necessary to continue the works beyond the limits of Colchester North. The engineer continued his survey and levels into the adjoining municipality, until he found fall enough to carry the water beyond the limits of Colchester North, in which the work was commenced, and until he obtained a sufficient outlet for the water as he was empowered to do by section 575, the provisions of which were made applicable to section 585.

"A contrary construction would render Colchester North liable to damages, or require it to close up the drain until such time as a petition presented by the requisite number, and otherwise complying with the statute, may be presented to the council praying for further work. In other words, the council having, in good faith, constructed a drain for the relieving of certain portions of the territory of the municipality, it may be at an enormous expense, and finding the outlet insufficient would be unable to make use of the work already done, or if it was used would be liable for the damages flowing from such uses until a petition,

sufficient under the statute, was presented to the council asking for a new and better outlet. From such a difficulty I think it was intended to relieve councils by passing section 585. Section 585, as appears upon the face of it, introduces the provisions of section 569 to 582, and so the provisions of 569 were made applicable to a new outlet, but without the necessity of presenting a petition.

"I cannot agree that section 598 applies. I venture to think that that section applies where, by the original scheme, the work affects more than one municipality.

"In my judgment the appeal should be allowed and the order set aside, with costs of all proceedings to the township of Anderdon."

The Divisional Court was equally divided, and the appeal therefore failed.

In *re Orford* and *Howard*, already referred to, Mr. Justice McLennan, while considering the contention on the part of the defendants, said: "Section 585 must also be excluded, for it merely dispenses with the necessity for a petition in certain cases, and everything else must be done under the sections 569 and 582, which only permit the assessment to be made upon the property to be benefited by the work."

Delos R. Davis, barrister, Amherstburg. refers to the proceedings in the above case between Anderdon and Colchester North, near the end of his evidence, and says: "Should not the law be framed so that there would be no question as to whether section 569 or section 585 applied to such a case?"

We recommend that this section be made more explicit. Such a case as Anderdon and Colchester North may quite frequently arise where a short drain is made in the first instance, and afterwards another section added to it, and in some cases another section, and still another, until the whole area within the watershed is drained. There should be no difference made in such a case from one where the whole drain was constructed at one and the same time instead of at different times. The water in the drain in the second section must have an outlet somewhere, and if the outlet of the drain made in the first instance be insufficient, then a new outlet should be constructed. It frequently occurs that the surface of the land is lower a greater or less distance from the mouth than that at the outlet. The natural fall is overcome by giving an artificial fall in the opposite direction to the bottom of the work. After such a work is extended upwards, the old outlet may be inadequate to discharge the water even after its enlargement, or it may be a useless outlay to attempt to give it the required capacity. The first place, the water will overflow from the work, will be at the lowest part of the surface of the land along the drain, and by providing a new branch from that point to a new point of discharge may be the only way of getting over the difficulty and rendering the working of the drain effective. In both this and the Anderdon case the extension of the drain at the head would be made under a petition, It would be most unreasonable, in either case, to put it in the power of any council to say, the old outlet was only sufficient for the old drain, and it is impracticable to give it any greater artificial fall to accommodate the waters of this new extension, and though a branch from the lowest point of the surfcce along the old drain in the one case, or the townline in the other, would get over the difficulty, there must be a petition before we can move. No petition should be required. If this section does not provide for any such cases it should be made to do so, and not only so, but all the assessing powers conferred by the Act should be exercised in the construction and repairs of the branch leading to the new outlet, whether such branch connects with the old drain near its head, mouth, or in any part of its course. The power to cover drainage work in whole or in part should be made general, and not restricted

to where it passes through a ridge of land. All the drainage provisions of this Act should apply to covered and tile drains with catch basins, as well as to open drains.

SECTION 587.

The provisions of sections 583, 586 and 589 of this Act shall extend to drains constructed under the provisions of *The Ontario Drainage Act*, and amendments thereto, or of *The Ontario Drainage Act, 1873*, or of the Municipal Drainage Aid Act, the word "assessors" being substituted as to such drains for the words "engineer or surveyor" in the fifth line of section 583.

We recommend that all the provisions in the Municipal Act regarding the preserving, maintaining and keeping in repairs of drainage works, should be made applicable to all Government drains.

SECTION 589.

(1) Where the repairs required to be made under either section 583 or section 586 are so extensive that the municipal council does not deem it expedient to levy the cost thereof in one year, the said council may pass a by-law to borrow upon the debentures of the municipality the funds necessary for the work, and shall assess and levy upon the property benefited a special rate sufficient for the payment of the principal and interest of the debentures: the by-law shall not require the assent of the electors.

(2) The provisions of the Municipal Drainage Aid Act shall apply to any debentures issued under the authority of any such by-law, if such by-law, before it was finally passed, was published or notified in manner provided by section 571 of this Act, or, after it was passed, was promulgated in the manner authorized by section 329 of this Act.

We recommend retaining the principle contained in this section, but it should appear in the proper place among the repairing provisions.

SECTION 591.

"In case a dispute arises between municipalities, or between a company and a municipality, or between individuals and a municipality or company, or between individuals, as to damages alleged to have been done to the property of the municipality, company or individual, in the construction of drainage works, or consequent thereon, the municipality, company or individual complaining may refer the matter to the arbitration and award of the said referee, who shall hear and determine the same and give in writing his award and decision, and his reason therefor."

We recommend this.

SECTION 592.

"Where, on account of proceedings taken under this Act, or *The Ontario Drainage Act*, or other Acts respecting drainage works and local assessment therefor, damages are recovered against the corporation or parties constructing the drainage works, or other relief is given by any judgment or order of any court, or any award or order made by the Referee under this Act, all such damages or any sum of money that may be required to enable the corporation to comply with any such judgment, order or award made in respect thereof, shall be charged *pro rata* upon the lands and roads liable to assessment for such drainage works,

provided always that if to enable the corporation to comply with any such judgment, order or award, it shall be necessary or expedient to change the course of any drain, to make a new outlet or otherwise improve or alter any drain or drainage works, the same shall for purposes, and in all respects to be dealt with and carried out, and all works and operations in respect thereof shall be executed and performed as if the same were alterations and improvements within the meaning of section 585, and all provisions of this Act applying to, or in respect of any work, alteration or improvement provided for by the said section, shall apply to any work, alteration or improvement intended to be provided for by this section."

Mr. Justice GWYNNE, in the course of his judgment in *Williams* against *Raleigh*, already quoted, said: "It was argued that the damages should be separated, namely, those arising from the Raleigh Plains Drain having been overcharged, and those arising from drain number 1, upon the suggestion that the defendants are entitled to levy any damages recovered against them upon the lands chargeable with the maintainance of the said respective drains.

"It may be very questionable whether damages recovered by a plaintiff, by reason of the neglect of the defendants to maintain in an efficient condition the drains constructed by them, or by the wrongful introduction into them of more water than in their neglected state they are capable of retaining, can, under section 592 of chapter 184, Revised Statutes of Ontario, 1887, be levied upon the lots chargeable with assessment for the maintenance of the drains. That section would rather seem to be limited to damages occasioned by proceedings taken under the Act, and so authorized by the Act, by the parties engaged in the construction of the work authorized. It would seem to be an unnatural and forced construction of the section to hold that a person made liable to contribute to the construction and maintenance of a drain authorized by the Act, because of the benefit it confers upon him, should also be held liable to contribute to recompensing himself for damages and injury to his land by the illegal, wrongful conduct of its municipality and its officers, in proceedings not authorized by the statute, or by negligence in the construction of a work which the statute did authorize, or by neglect to discharge the duty of maintenance in repair imposed by the statute."

The liability to pay damages or costs, or both, may arise in a variety of ways. The principle sources of liability may be classified as follows:

1. Cost of reference on assessment.
2. Cost of reference on damages, and also the damages.
3. Cost and damages arising from non-completion.
4. Cost and damages for non-repair.
5. Cost of quashing by-law, for and against.

The municipal council of any township may, in the proper discharge of its duty, be called upon to pay costs occasioned by a reference to reduce the assessment upon its ratepayers assessed for the work, and in so doing may fail and have to pay costs. In the second case the work may be most efficiently done and yet cause damage to some individual.

In the third case the non-completion is solely the default of the council through its commissioner, and the fourth is also the neglect of the council to repair within a reasonable time after notice.

The fifth case differs from all the others, inasmuch as the by-law may be attacked whether legal or illegal. If the by-law be not quashed then the council is shown to have done its duty properly, and on the other hand, if quashed the ratepayers on the drainage work are equally free from blame.

We therefore recommend that in the first, second and fifth (if by-law be not quashed) the cost and damages should be paid by the ratepayers in the municipality assessed for the drainage work, and in the third, fourth and fifth (if by-law be quashed) the costs and damages should be paid out of the general funds of the municipality.

SECTION 593.

"In case any person finds it necessary to continue an underdrain into an adjoining lot or lots, or across or along any public highway for the purpose of an outlet thereto, and in case the owner of such adjoining lot or lots, or the council of the municipality refuses to continue such drain to an outlet, or to join in the cost of the continuation of such drain, then the firstly mentioned person shall be at liberty to continue his said drain to an outlet through such adjoining lot or lots, or across or along such highway, and in case of any dispute as to the proportion of cost to be borne by the owner of any adjoining lot or municipality the same shall be determined under the provisions of and in the same manner as is provided for the determination of similar disputes by *The Ditches and Watercourses Act.*"

Recommendation:

This should be taken out of *The Municipal Act* and placed where it belongs in *The Ditches and Watercourses Act.*

SECTIONS 594 AND 595.

"Where, under the provisions of sections 569 to 632, both inclusive of this Act, a ditch is being constructed for drainage purposes along a road allowance, contracts may be made by the municipal council so constructing for spreading the earth taken from the ditch on the road, and if the road or any part thereof is timbered, or if stumps are in the way, the timber may be removed, and not less than twelve feet of the centre of the road shall be grubbed before the earth is spread upon it."

"The removal of the timber, grubbing and spreading of the earth, together with such portion of the cost of the ditch as the engineer or provincial land surveyor may deem just and proper, shall be charged to the municipality and paid out of its general funds."

Some witnesses complain of the earth being spread over a gravelled road, and in consequence the road is greatly impaired. The council of the municipality would be responsible for this, the section gives them power to enter into contracts for the work, and they can make ample provisions for preventing the gravel being covered up.

Recommendation:

When a drainage work is constructed on or along a road allowance, the engineer should, upon the application of the council, have power given him to make an estimate of such work and place in his estimates a sum sufficient to clear, close chop, or grub as may be required, and also to spread the earth and make the road, and assess the cost against the municipality, together with its proportion of the cost of the drainage work.

SECTIONS 598 TO 610 INCLUSIVE.

These sections provide for drainage works, which affect more than one municipality, being constructed under a by-law passed by the county council of

the county to which the municipalities belong, and upon the application of the council of any of the municipalities affected.

PATRICK F. STRONG, Reeve of Rochester, says: "I am in favor of the county provisions. I had nothing to do with the construction of the Ruscom drain, but it was satisfactory to our township in everything that was done. Our township had $4,000 of an expenditure and it was not a success, and when it got into the county it was a success, and there were no law suits. I don't consider the expense anything when it was paid by all the lands going to be benefited. It was cheaper for our township to have the county undertake the work."

CHARLES FOX, Reeve of Gosfield South 12 years, says: "I think each township should take care of its own drains. I do not think county councils should pass by-laws for the construction of drains in two or more municipalities."

THOMAS MCCREARY, Reeve of Gosfield for four years, says: "There ought to be two or more municipalities interested before the county council can consider the matter. I think wherever the work is as expensive as it is in some of these creeks, it saves costs and trouble and a great deal of delay that the county council should handle it. I think there should be some limit. I understand the law is this way, that the council goes on and constructs a work and after the work is completed and it is reported completed to the county council, then each minor municipality has to maintain the work in their own townships. That is what the present law means; well, I approve of that. I take the position that if the county conducts the work that the law is right the way it is now."

JOHN T. BROWN, Reeve of Gosfield North, says: "I would prefer to abolish the county council principle. I would suppose that each municipality would do the work in their own municipality better. In the original construction of a drain, such as the Ruscom river, I think that it could be done better by one of the townships interested than by the county as a whole and more cheaply. If there is no power in the statute for the county to divest itself of these drains, I would favor some such power being given."

ALVIN ORTON, ex-Reeve of North Gosfield, says: "It would suit me all right to leave the proportion to be paid by each municipality on the work to be done in the hands of the Referee. I would be in favor of doing away with the county council altogether. I think a municipality can do the work at a great deal less expense than the county."

ADOLPHUS DIXON, Iroquois, says: "The River Nation work was carried on under the county council clauses. This gives general satisfaction as far as it has gone. The voting power prevented us from assessing lands in the county of Grenville."

ADAM HARKNESS, ex-Reeve of Matilda, says: "With reference to the county council clauses I had to do with the River Nation work. There is a series of rapids, and we were compelled to make the improvement through the county council, as no petition could be got to enable the township council to take up the scheme. The voting power if exercised would defeat the by-law every time. I am in favor of retaining the county council clauses, but the voting power should be struck out."

C. D. CASLEMAN, Reeve of Williamsburg, agrees on this point with Harkness.

The great majority of witnesses in the eastern section of the Province support the retention of the county council provisions with the voting power eliminated.

FRED ARNOLD, of Howard, says: "Let the county make all the drains that go through two or more townships, and the townships do all their own drains."

JAMES MCKINLEY, ex-Reeve of Howard, says: "In some cases it might be

better that the county councils should have the power to pass by-laws for drains extending into two or more municipalities."

ARCHIBALD MCDERMOTT, ex-Councillor of Howard, agrees with Mr. McKinley.

R. H. COLEMAN, Civil Engineer, says: "I would be in favor of wiping out the county clauses altogether as they are no use. It should be made clear whether the vote should be taken when the vote is all in one county, and also where two counties are interested. Section 602 should in any case be omitted, even if the county council clauses remain."

THOMAS HAINES, ex-Reeve of Moore, says: "The county council should have nothing to do with drainage works. The dominant or initiating townships should be given the power to confine the petition to the dominant township majority. This is the only practical way."

WILLIAM WHITEBREAD, Wallaceburg, says: "The only case I know of the county council passing the drainage by-law was most successful. I refer to the River Nation work in the county of Dundas. I would from my experience say the county council should have that power. The cost of the River Nation work was $40,000."

JAMES CLANCY, M.P.P., says: "The county council should have no power and the clauses now giving them power should not be retained."

W. H. SHEPLEY, Councillor of Raleigh.

G. H. DOLSEN, ex-Deputy-Reeve of Raleigh.

B. B. RADMORE, Romney.

JAMES SERSON, Harwich.

JOHN LANGFORD, 12 years Reeve of Harwich.

SINGLETON GOBB, Reeve of Mosa.

JOHN SMITH, Romney.

JOHN REYCRAFT, 4 years Reeve of Orford.

JAMES GOSNEL, 2 years Reeve of Orford.

JOHN SERSON, Harwich.

WALTER WALSH, Reeve of Tilbury North.

GEORGE MORRIS, Tilbury West, support the view expressed by Mr. Clancy.

J. B. BOUTEILLER, Warden of Essex, says: "The power should be conferred on a committee composed of five members of the county council, when beyond the power of the municipal council of the township."

J. F. LISTER, Q.C., of Sarnia, says: "It should be made clear whether the county council, or in the alternative the township council, has power to pass the drainage by-law where two or more municipalities are interested."

In the case of *Stephen* against *McGillivray* already cited, the Chief Justice of Ontario, after quoting the county council provisions of the Act, says: "Under these clauses, first appearing in 1882, a far more just and liberal and effective method of ascertaining the views of the parties interested is provided, and one far more in accordance with the general policy and spirit of the Municipal Act" The injustice is well pointed out in the case of *West Nissouri* against *North Dorchester*, 14 O. R., 294. Seven out of the ten Nissouri owners petition, and a by-law is passed by Nissouri for a drain through it and Dorchester, and thirty-nine landowners in Dorchester are assessed who had no voice in the matter, but are bound by the petition of the seven Nissouri owners. The action was to compel Dorchester to raise its proportion of cost, $5,725, while Nissouri's portion was only $1,345, less than one quarter of the charge against the not consulted parties.

GALT, C. J., at the trial held that the county council was the proper party to pass by-laws for the purpose, as the work proposed affected both Nissouri and Dorchester, section 598 of the Act of 1883 governing.

His view of the case was confirmed by the Divisional Court ; the remarks of BOYD, C., are well worthy of perusal ; FERGUSON, J., concurs.

The case before us is far stronger than that of Nissouri, and does not require us to adopt to the fullest extent the opinion of the learned chancellor. His remarks on the violence done to the general spirit of our municipal legislation in permitting such a manifestly unfair result as was sought to be upheld in the case before him, are of tenfold force when applied to the case before us.

In my judgment the legislature in 1882 provided a fully competent machinery to govern a case where the municipalities sought to be assessed are in different counties, and a just and sorely needed means of giving parties sought to be charged a voice for or against the scheme. I cannot agree that it is left optional to adopt either course. The languuge used in both cases is only permissive, not compulsory. The township may adopt the scheme, so may the county council when applied to.

I read the Act providing two separate courses of proceeding to meet the named circumstances. Under one, if held to apply here, an admittedly gross injustice may be committed ; under the other all this can be and is prevented."

Recommendation : The county council clauses have received very little application to the construction of drainage works throughout the Province. The only cases known to us are the River Nation and the River Beaudette works in the east, and the River Ruscom work in the west. The Nation work appears to have given general satisfaction, while the Ruscom work is rendered doubtful in its result by the conflict of testimony. The calling of the county council together to pass upon the Ruscom scheme cost between $200 and $300. The effort on the part of municipal councils to keep from making any application to their county councils, the delay occasioned by the long interval between its meetings or the expense of calling a special meeting, and the liability of the vote under 602 rendering all previous proceedings abortive, are some of the reasons why these clauses are looked upon with disfavor by the people. We therefore consider that the provisions already recommended, where two or more municipalities are interested, will fully meet all cases and do justice to all concerned without giving the county councils alternative power as now.

BRIDGES, CULVERTS AND WATERGATES.

Attention has been called to the absence of any provisions regarding the construction of bridges, culverts and watergates over drainage works. The engineer should have the power to make provision for these in his reports, and to distribute the cost thereof between the drainage work and the municipality generally.

Railways.

All the evidence taken upon the matter of railways is to the same effect, and constitutes a common and general grievance. The complaint in every locality visited, is loud and frequent. It is certainly a great hardship to the people to have any company in a position to say, you cannot cross our lands at all with drainage works, or you may have the privilege by paying whatever the company chooses to exact.

Recommendation :—We cannot recommend too strongly joint legislation by the Dominion and Provincial Governments in the matter of drainage works required to be constructed across railway lands, and for the repair of those already constructed, on a fair and reasonable basis so as to deal justly by both

interested parties. The provisions of chapter 69 of Ontario Statutes, 1890, would answer all purposes if made applicable to drainage work under the Municipal Act as well as drains under the Ditches and Watercourses Act.

Expenditure in Drainage.

A circular was sent to each of the township clerks in the Province, asking for an approximate of the amount expended in drainage work under the Municipal Act by their municipality, and stating the results in so far as they could ascertain. From such returns in part and the evidence in part, the following list is compiled :—

Prescott, North Plantagenet	$ 950
Lanark, Drummond	1,800
Renfrew, Hagerty, Sherwood, etc	200
Dundas, Mountain	1,026
" Little Nation River work	40,000
Frontenac, Pittsburg	1,500
Durham, Cavan	658
Victoria, Bexley	1,075
" Mariposa	4,522
" Fenelon	750
York, Georgina	1,050
Simcoe, Tiny	1,900
" Arthur	2,262
Dufferin, Amaranth	25,894
Grey, Proton	7,400
" Keppel	6,367
Bruce, Elderslie	3,195
" Brant	5,100
Huron, Turnberry	13,000
" Tuckersmith	2,409
" Grey	12,160
" Stephen	21,795
Wellington, West Arthur	12,739
Perth, Ellice	69,160
Oxford, West Oxford	2,431
" South Norwich	6,500
" North Oxford	1,026
" West Zorra	20,000
Welland, Crowland	200
" Wainfleet	39,340
Haldimand, Sherbrooke	2,500
Norfolk, Charlotteville	2,700
Elgin, Malahide	20,263
Middlesex, Mosa	26,676
" Caradoc	14,100
" N. Dorchester	12,161
" W. Nissouri	8,300
" Ekfrid	50,000
Lambton, Brooke	110,937
" Bosanquet	33,000
" Sarnia	75,000
" Warwick	10,000

Lambton, Dawn	$100,000
Kent, Orford	100,000
" Romney	100,000
" Harwich	110,000
" Dover	150,000
" Raleigh	200,000
" Tilbury East	275,000
" Chatham	290,000
Essex, Pelee	23,000
" Malden	2,768
" Rochester	70,000
" Maidstone	67,000
" Colchester North	80,000
" Colchester South	20,000
" Mersea	122,762
" Gosfield	200,000

From many of the clerks no return was received, although their townships have spent a very large amount of money in drainage works, as for example, Tilbury West and Anderdon in the county of Essex; Howard, Camden and Zone in the county of Kent; Moore, Enniskillen and Sombra in the county of Lambton.

Result on Value of Land.

T. ROCHE, Clerk of Hagerty, etc., says: "It about doubles the value of land here."

C. DENANT, Clerk of Mountain, says: "Increased the value of lands at least twenty per cent."

ANGUS EGO, Clerk of Georgina, says: "The lands through which such ditches were cut were originally useless; since the ditches were made it is first class land and fit to produce any kind of crop, and the owners are well satisfied."

M. G. VARCOE, Clerk of Amaranth, says: "On lands where there was not more than one foot to eighteen inches of muck, the land has increased at least $5.00 per acre; on swamps where there is a great depth of muck the increase in value is not so marked."

J. C. ECKFORD, Clerk of Brant, says: "The drainage in this township was of considerable value, but the drains have been so imperfectly kept open that much less value has been received than the expenditure warranted."

JOHN BURGESS, Clerk of Turnberry, says: "Lands here, under Drainage Acts, were all swamp land and were worthless, except for the timber that was on them; now where drains have been kept in good order the lands are the best we have."

SAMUEL SMELLIE, Clerk of Tuckersmith, says: "Some of the land doubled in value as per assessment rolls."

C. PROUTY, Clerk of Stephen, says: "Completely reclaimed the land. Our largest expenditure, $17,095, is for drainage work not quite completed, but so far bids fair to be satisfactory."

WILLIAM SPENCE, Clerk of Grey, says: "Not greatly benefited as the outlets are not sufficient."

JOHN PEARSON, Clerk of Ellice, says: "A large portion of the lands were valueless before any drainage had been made, and at present the timbered lands are worth from $15 to $35 an acre."

W. G. Baines, Clerk of West Oxford, says: "In some cases from waste land to land now fit for cultivation, in others perhaps $20 an acre."

Alex. McFarlane, Clerk of S. Norwich, says: "While the assessor has not raised the assessment very materially as yet, I am informed that it has added largely to the value of lands. Lands lying under water a few years ago are now growing excellent crops."

John Henderson, Clerk of Wainfleet, says: "It certainly must increase the value of land, but real estate was worth as much twenty years ago in this township as it is to-day."

Wm. Chalmers, Clerk of Sherbrooke, says: "Very beneficial, in some cases it has added about 50 per cent. to the value."

John Machon, Clerk of Charlotteville, says: "Worthless lands are now assessed for from $10 to $15 per acre."

Benjamin Watterworth, Clerk of Mosa, says: "From 25 to 50 per cent. in some instances where there is good bottom, but some of our marshes with quicksand bottom are very little benefited."

M. McGugan, Clerk of Caradoc, says: "Difficult to tell. A well drained farm can be bought cheaper now than the same farm could be bought fifteen years ago without drainage. Drainage increases the productiveness of the land very materially."

D. P. Aylesworth, Clerk of N. Dorchester, says: "That it has brought the best of lands under cultivation."

W. Lee, Clerk of W. Nissouri, says: "Increased value of some lots nearly one half."

W. G. Willoughby, Clerk of Brooke, says: "Lands drained are worth from five to ten times as much as they were previous to drainage. Lands are now being improved and cultivated, that were previously so wet that they could not be got on, unless during a very dry time."

George Sutherland, Clerk of Bosanquet, says: "Several hundreds of acres would be entirely useless without them."

W. R. Fellows, Clerk of Harwich, says: "The result of drainage on the value of land is good. Value increased 25 per cent. From 2,000 to 3,000 acres of wet land reclaimed altogether."

W. G. Merritt, Clerk of Chatham, says: "That thousands of acres of land in Chatham township have been brought from a useless condition to good and first class lands, and the whole township has been largely benefited and increased in value; also there are 5,000 acres in one territory, which has been reclaimed under a drainage scheme."

M. McHugh, Clerk of Maidstone, says: "Lands which in 1868 could be bought for $6 or $7 per acre would now sell for from $30 to $35 per acre. I suppose that increase of population, increasing the demand for land, had much to do with the increase in price of land."

N. Rolfson, Clerk of Mersea, says: "It must have increased the value of land at least 50 per cent."

Patrick F. Strong, Reeve of Rochester, says: "I have been a resident in the county of Essex for 47 years, I was born here, and I paddled through the water quite a bit. I recollect the state of West Tilbury back for thirty years and the township of Rochester since ever I was seven years old. The lands in these townships at that time were all a swale in the bush. The south part of Tilbury West, south of the Middle road, was very bad. I have gone across the east part of the Middle road, lots 7, 8, 9, 10 and 11, and there were fifteen inches of water right along. The land in this section was in those days worth only the timber. That was before there was any drainage. I believe the drain-

age of these lands began in 1872 or 1875. These little township drains had been begun before that, but the special drainage began about 1870 or a little before. The result of this drainage is that the county has been improved. Land that was only worth the timber in those days, has improved to a good value. It is worth $35 an acre now. The time I was born all these lands were given for settlement by the Government for nothing, which are now worth $35 an acre. This has been accomplished through drainage."

John A. Buchanan, Deputy-Reeve of Tilbury West, says: "In the lower part of the township 25 years ago you could get land for ten cents an acre, and we had to pay up here $5 to $10 an acre. Wild lands were selling, I think, at $5 an acre, about eighteen years ago it took a sudden rise, went up to about $12 and stayed there. The land would not be much good if it were not for drainage. It might be good for pasture but not for cultivation. Probably $8 an acre would be due to drainage. Half of the increased value of our lands is due to drainage. The land in through here being so flat it would be of very little use were it not for drainage, that is, for regular farm purposes. What the average acre has paid for drainage varies greatly. Some would go as high as $2 an acre and some as high as $3; it would be from 50 cents to $3."

John T. Brown, Reeve of Gosfield North, says: "This township of ours is uniformly flat land, and there is a great deal of our land that was sold for $2.50 and even less, that is now worth $20 or $30 an acre by reason of drainage."

Zenas Orton, for 65 years a resident of Essex county, says: "This county when I first knew anything about it was wilderness and swamp. At that time two-thirds of the county to my recollection was a swamp. That was about 50 years ago. I think it is about 26 years since the first drain was constructed. There was very little improvement in the land until the drainage system was inaugurated, and since that time the result has been that it has improved very rapidly. Where I live now I have owned that farm for twelve years, and when I went on the farm it was all swamp, and the cattle would mire in it. Now it is growing good crops and is good land. I could have bought the fifty acres at $400 that recently sold for $2,200. I paid 21 years ago this fall for a piece of land that the water was over $6 an acre, which is now worth $50, all owing to drainage. If it was not for that, it would not be worth anything, I killed deer in that section thirty years ago when the water was knee deep, now it is good, splendid, dry land. The cost of drainage per acre has been about $3, so that the land, which in those days was worth ten shillings an acre, has, by the expenditure of $3 been made worth $40 an acre."

Delos R. Davis, Amherstburg, says: "I was raised in the township of Colchester North. I knew the land before the drainage system was inaugurated. The land at the time was all overflowed with water in the northern part of Colchester South. My recollection of the price of land was $1.60 an acre. The same kind of land to-day would be worth about $16 an acre. The cost of drainage per acre differs, but it would average about $1 an acre There are places where it costs a good deal more than that. There are places where it would be three dollars an acre, and it would cost from $1 to $3 an acre to drain it."

Richard Golden, 40 years a resident of Essex, says: "The centre of the county was level, and the greater part of the level wild land was swampy and marshy. I bought land in Anderdon at $3 an acre forty years ago. That land has since been drained by surface drains. The land that I bought at $3 an acre in those days I had a notion of selling and wanted $60 an acre, but it is not worth that to-day. I would not sell less than $60 an acre 12 years ago. The land has depreciated in value since then; I suppose I would sell for about $45 to $50 an acre now."

JOHN RICHMOND, ex-Reeve of Colchester South, says: "There has been quite a large amount of drainage in our township. We have the Long marsh, Roaches marsh and Round marsh. When I came here first the country was just one fever and ague swamp, but there is no such thing known now. In a sanitary point of view it is a great advantage. The other advantage is that the people raise fine crops throughout on these lands that were swamps before. Their value now is $20 to $25 an acre, what was sold for fifty cents an acre in 1858. When the Government sold Roaches marsh they sold it at 50 cents an acre at public auction in Sandwich. I bought some and I sold to Mr. WALKER at $8.50 an acre, and he would not take $50 an acre for it now. I attribute this increased value entirely to drainage. We make use of the *Municipal Act* principally: there are only one or two drains under the *Ditches and Watercourses Act* here. I think the *Drainage Act* produces the best results and is the best for the people."

MYLES J. PATTON, ex-Deputy-Reeve of South Colchester, says: "The drainage laws have been beneficial to the country. There are hundreds of acres of land as good as any we have now, if properly tilled, that was almost useless before we had any drains."

CHAPTER IV.

DITCHES AND WATERCOURSES ACT.

A great deal of evidence has been given to the commission in relation to the Ditches and Watercourses Act. Many of the municipalities prefer it to the drainage provisions of the Municipal Act, and where this preference exists, there is a desire expressed to have its scope enlarged so as to apply to extensive drainage works, as well as to smaller works.

On the other hand, many municipalities have little or no desire to work under the Ditches and Watercourses Act, and prefer to construct their drains large and small, under the provisions of the Municipal Act.

Some go so far as to recommend the doing away with the Ditches and Watercourses Act altogether.

Those municipalities that make the least use of it, would, if it is retained in the statutes, prefer to have it made to apply to works of limited extent, affecting a small area, and reaching at its outlet a drain made under the Municipal Act, or some efficient natural outlet at a short distance from the head of the drain.

The Act has, in its present form, given rise to much litigation and conflicting decisions, County Judges in appeals to them from awards having taken different views of its provisions.

Many of its provisions are conflicting and obscure, and it is considered that it is difficult to understand, and that it should be rewritten.

In this Act a drainage work subject to certain restrictions, is initiated by an individual land-owner in contradistinction to the majority principle embodied in the provisions of the Municipal Act.

The limit of extent of work, depending on ownership of territory, is variable, and the limit of assessment or liability for work is restricted to an area in close proximity to the drain and to lands benefited alone.

The liability for damages from the work, if there be any liability, is not established.

R. J. MORRISON, Chatham, says: "I am not in favor of the Ditches and Watercourses Act at all."

DAVID WILSON, Chatham, says: "I would not wipe the Ditches and Watercourses Act out altogether, because I would destroy the principle that I advocate if I said so."

JOHN CLARKSON, Chatham, says: "There is this in connection with the Watercourses Act, it is this, it is too expensive for the purpose for which the legislature intended it. There is a good deal of time lost in the preliminary proceedings."

GEORGE MCDONALD, Ridgetown, says: "We do more under the Ditches and Watercourses Act than under any other, and they are all working very satisfactorily in our township, every drain."

JAMES SERSON, Ridgetown, says: "As far as the Ditches and Watercourses Act, and 'one man power' is concerned, it is all right, it works well enough."

GEORGE SHIRLEY, Watford, says: "I consider that a good law as it stands, but there are a good many people interested, like in a village, you cannot get them all to agree. I think it is a very just act, as regards farm property. It works very well.

HECTOR MCFARLANE, Glencoe, says: "I think the Ditches and Watercourses Act a poor law."

Mr. FRASER, London, says: "On the whole, the township is pleased with the Drainage Act, and with the Ditches and Watercourses Act as a whole."

A. P. MCDOUGALL, London, says: "I think the Ditches and Watercourses Act should be remodelled entirely, there are too many preliminaries."

JOHN T. COUGHLIN, London, says: "If the legislature intended to discourage, and if possible, prevent the draining of farm lands, the present Ditches and Watercourses Act is about as good a measure as could be devised for indirectly attaining that purpose. But if, on the other hand, it is intended to facilitate draining as a means of vast increase in the produce of the soil and the wealth of the country, then in that case, in my opinion, the Ditches and Watercourses Act should be entirely remodelled"

JAMES MCCARDICK, Forrest, says: "Ditches and Watercourses Act works well with small drains."

ALEXANDER FARLINGER, Iroquois, says: "In this locality we think you have secured the best information in your power for the enactment of a practical Drainage Act, which will be of great importance in this part of the province. I believe it will add millions to the value of our properties."

Huron County Council, Clinton, says: "Small drains should be relegated to the fence viewers, and means should be found to combine the two Acts."

Huron County Council, Clinton, says: "The view of the committee is that the whole Act should be set aside, or a portion embodied in the Municipal Act, and that a new Act should be framed to deal with very small ditches in the lines of the Ditches and Watercourses Act previous to 1883, to be managed as then by fence-viewers, or something in the same line."

JOHN S. CUMMINGS, Cannington, says: "As to the Ditches and Watercourses Act, I think this should be limited to very small drains, and should be changed so as to come as formerly under fence-viewers."

THE PROVISIONS OF THE ACT.

Section 2.—(1) "Every municipal council shall name, and appoint by by-law, an engineer to carry out the provisions of this Act, and such engineer shall be and continue an officer of such corporation until his appointment is repealed by by-law, and another engineer is appointed in his stead, who shall have authority as well to take, as to continue any proceedings under this Act."

This section provides for the appointment of an engineer by every municipal council, for the purposes of this Act.

It has been held in the courts that a council can only appoint one, and not two or more engineers, or one and an associate or assistant, and the mistake has been made by councils of appointing a firm, as A & B, engineers or surveyors, either one of the firm acting, as was convenient, and it should be made clear that the appointment of one only is intended.

In this connection it may be pointed out that where a road will be affected by a proposed drain, and an agreement can be come to under section 5 of this Act, there should be some one at the meeting to represent the council, with power delegated to act for the council, and to sign the agreement for the council, and to bind the corporation. There should be provision for the appointment of one such person for the whole municipality, or for the appointment of several, each one to act in a defined part of the municipality.

The appointment shall be made by by-law.

It was brought to the attention of the commission that the municipal council had made an appointment of an engineer by by-law, but had neglected to state in the by-law that the appointment was made for the purposes of the Ditches and Watercourses Act, and in an appeal to the county judge against the engineers award, the award was set aside on account of this omission, the appointment of the engineer in that way not complying with the Act.

The commission recommends that a form of by-law be inserted in the Act for the guidance of the council in the appointment of the engineer, as also a form for the appointment of one or more representatives of the council to act under section 20, combined with section 5, and also for the appointment of any other person to the position of "inspector of drains and ditches," under sub-section 6 of section 4.

"Who shall have authority as well to take as to continue any proceeding already commenced under this Act."

This does not seem to convey the meaning intended, which is evidently, that he shall have power to continue any proceeding already commenced under this Act, as well as to take proceedings under it.

Section 2.—(2) "The word engineer in this Act shall mean civil engineer, land surveyor, or such person as any municipality shall deem competent to perform the duties required under this Act."

There is a diversity of opinion in regard to this enactment. Many witnesses say, that the working out of this Act should be in the hands of a duly qualified civil engineer, or Ontario land surveyor.

Others say, that the civil engineer or surveyor should be excluded on the ground of expense, and that the council should be required to appoint some one other than one of these, some man in the municipality.

REUBEN C. TAYLOR, Comber, says: "It would be better on the score of expense to place small drains under fence viewers or authority other than the engineer."

JOHN STRATFORD, Comber, said: "I would appoint a competent man instead of an engineer."

Mr. IRWIN, Chatham, says: "The engineer is the proper person to have control of these matters."

ALEXANDER FARLINGER, Iroquois, says: "I am strong in the opinion that an engineer of good standing appointed by the Government as an inspector will be necessary to the efficiency of your new Act, whose decision is to be final, on his personal inspection."

JOHN BUCHANAN, Comber, said: "For small drains I would arrange it so that pathmasters could have more power to bring in owners benefited and do more work along roads. I would go back to something like the old Fence Viewers' Act."

The commission recommends that this be left as now optional with the council.

4.—(1) "In case of owners of lands whether immediately adjoining or not, which would be benefited by making a ditch or drain, or by deepening or widening a ditch or drain already made in a natural watercourse, or by making, deepening or widening a ditch or drain for the purpose of taking off surplus water or in order to enable the owners or occupiers thereof the better to cultivate or use the same, such several owners shall open or make, deepen or widen a just and fair proportion of such ditch or drain according to their several interests in the construction of the same; and such ditches or drains shall be kept and maintained, so opened, deepened or widened by the said owners respectively, and their successors in such ownership in such proportions as they have been so opened, deepened or widened, unless in consequence of altered circumstances the engineer hereinafter named otherwise directs, which he is empowered to do upon application of any party interested, in the same form and manner as is hereinafter prescribed in respect of the original opening, deepening or widening, and in case the engineer finds no good reason for such application, all costs caused thereby shall be borne by the applicant and shall be collected as in this Act provided."

In this section it is provided that owners of lands which would be benefited by the making, deepening or widening of a ditch or drain, shall open and make, deepen or widen a just proportion of such ditch or drain.

The owners are owners who will be benefited and no reference is made to other users who may not be benefited, but may require an outlet in a drain to avoid damages by their draining.

No reference is apparently made to an underdrain or covered drain which is afterward dealt with as a subject on which the engineer may make an award.

No reference is made to bridges or culverts or catch-basins as incidentals that may be required.

These deficiencies should be supplied.

The section also provides that the ditch or drain shall be kept and maintained, so opened, deepened or widened by the owners respectively and their successors in such ownership in such proportions as they have been so opened, deepened or widened.

Much fault is found with this provision as to maintenance, and it is very strongly urged that in the agreement provided for, or in the award liberty should be given to vary the maintenance so that it shall not necessarily follow the basis of construction.

It is contended that the repairs should be as much as possible confined to work on the owners own land.

A more equitable arrangement could be made by some owners assuming more of the work of construction in consideration of lightening his obligation for maintenance, and *vice versa*, adjusting the construction and repair so

as to, as much as possible make the owner of the land through which the drain runs liable for the maintenance on his own land.

It is urged that this would tend to more attention being paid to keeping the drain in good repair, and that when, as at present an owner's work of construction is given in whole or in part, on his neighbor's land, and his maintenance is of the same portion of the drain, the drain will be allowed through the carelessness of that neighbor to get out of repair more speedily than it otherwise would, he knowing that he can call on the other man to execute the repair at any time.

ROBERT WILKIE, Chatham, says: "I would make that Act so that, instead of it being done in work that it could be assessed in money if the parties wished. I would leave it optional with the individual that had it to do."

Huron County Council, Clinton, says: "In regard to the Ditches and Watercourses Act, the committee recommends, that if the Act is retained it is not right that the construction of a portion of a drain by a party should necessarily compel the party to maintain the same portion. The provisions for construction and for maintainance should be separate considerations, and for repair instead of as in sub-section 5 of section 4 the application should be made direct to the engineer and not through the council."

ROBERT WILKIE, Chatham, says: "After the drain had been constructed, it would be better if possible to make every man keep the drain on his own land in repair, that is, the maintenance should be limited to a man's own land."

JAMES SERSON, Ridgetown, says: "Each man should be confined to his own land as much as possible."

ARTHUR LEVERTON, Bothwell, says: "Let it be taken for granted that each man has to repair on his own land so far as possible, without doing any injustice to any of the other parties to the drain."

R. H. COLEMAN, Cannington, says: "Sections five and six should be consolidated. As to the question of repairs, when the character of the soil is the same, each man should repair on his own property."

W. G. WILLOUGHBY, Alvinston, says: "Each man should only maintain that portion of drain on his own land, varying the amount to be constructed in accordance with that idea."

HENRY HARDY, Strathroy, says: "It is all right to have one owner dig on another for the making of a drain but not for repairs."

M. DAY, Ingersoll, says: "I would have each man responsible for repairing the drain through his own land as far as possible. The engineer in fixing the proportion of the work to be done should begin with the repairs on each man's land, and give him such portion of the drain to make, which with the repairs on his own land would be his proper proportion of the whole work."

JOHN DUFFY, Ingersoll, says: "I agree with the evidence of Mr. Day."

JOHN SHEEHAN, Woodstock, says: "The persons constructing a drain should maintain the drain on his own land, and he should not be required to go on another person's land except for construction. The basis of the engineer's apportioning the construction of the drain between the parties, should assume that the repairs are to be made by each on his own land, and the award should provide for this. The engineer should estimate the value of the section in the drain, and the person should be given the option to make the drain or pay the money. The engineers should make separate estimates where any section given one person is on his own and another's land, or on two persons' land."

JAMES ANDERSON, Woodstock, says: "Each man should repair on his own property."

W. R. BURKE, Ingersoll, says: "It is not always just that a party should maintain the part opened by him."

E. H. Mackintosh, C. E., Iroquois, says: "I would only take a man off his land to make, but not to maintain. Each man should maintain on his own land."

Andrew Allison, Chesterville, said: "The maintenance of an award drain should be by the persons (on their own land) through whose lands the drain runs, in so far as the same can be done."

Thomas Carlisle, Chesterville, said: "The biggest trouble is the sending a man to repair on another man's land. The best amendment would be to keep one man for going on another man's land to repair. The repair should be on the land of each man, and done by himself."

S. H. Kendrick, Chesterville, said: "I think as far as possible each man should be made to repair on his own land."

E. S. Gregory, Chesterville, said: "The construction and maintenance of an award drain should, as nearly as possible, be on a man's own land."

David Rae, Chesterville, said: "It would be a good principle to take a man off his own land, on another man's land to do repairs, as, if it were not so, it would be too expensive for the men through whose lands the drain ran."

Thomas Hamilton, Chesterville, said: "The owner of the land through which the drain runs should keep it in repair."

John Bennett, Cornwall, said: "I would so far as possible have all repairs done by each owner on his own lands. The persons interested object to going on other lands more than anything else."

J. B. Snider, Cornwall, said: "Take as few as possible off their own lands, either for construction or repair."

D. R. Brown, Cornwall, said: "It is a hardship to take a man off his own land to repair an award drain. I think each man should maintain on his own land and be assisted in the construction as to the engineer seems just."

J. S. McDougall, Cornwall, said: "Another grievance to our people, the engineer compelled us to enlarge the stream in our own lands and then took us to the outlet. The repairs should be made by the owner of the land on his own property."

Zenas Orton, Leamington, said: "I think the Act should be amended to compel a man to keep his part clear, so that if a man abuses the drain he is abusing himself."

Richard Preston, Leamington, said: "I think every man should repair the portion of ditch through his land."

J. E. Reavely, Welland, said: "As near as possible the persons owning lands should repair on their own lands."

Theodore Wigle, Kingsville, said: "In constructing drains under the Ditches and Watercourses Act, I would be in favor of the repairs being made by each individual interested upon his own land if it can be given him by the engineer in his award, and that the placing of the burden upon the people should be made proportionate by construction in addition to the repairs upon his own land. By the engineer's award it should be provided that the lower section should be completed first; the section above next, and so on up to the head of the drain."

Jacob C. Shepley, Kingsville, said: "When an engineer goes on and makes his report, he should go upon the assumption that each man is to repair upon his own lot, and he should even it up accordingly."

Huron County Council, Clinton, said: "The maintenance of a drain should be as far as possible on a man's own land, but the construction not necessarily so."

The commission recommends that both the cosntruction and maintenance be left to be regulated by the agreement or the award, and that one be not necessarily bound up with the other.

The last part of the section makes this a matter that can be rearranged, but it seems to involve the making of an award under the formalities as for a new drain, and presumably refers to a reconsideration of the award after three years under sub-section 4 of section 5 of the amendment of 1889.

E. S. GREGORY, Chesterville, said: "The three years for reconsideration should be changed to any time."

Huron County Council, Clinton, said: "We consider that power should be given to have award reconsidered in one year instead of three years."

The commission recommends that an award may be reconsidered as to maintenance after the expiration of one year from the time limited by the award for the completion of the work.

4.—(2) "Every such ditch or drain shall be continued to a proper outlet so that no lands, unless with the consent of the owner thereof, will be overflowed or flooded through or by the construction of any such ditch or drain, and it shall be lawful to construct such ditch or drain through one or any number of lots until the proper outlet is reached."

4.—(3) "Such consent shall be in writing and signed by the party consenting, and shall be filed with the clerk of the municipality with the award, and may be recited or referred to therein."

It is difficult to see how a written consent to flood property would relieve the promoters of the drain from liability from flooding, if there be liability under this Act, and it seems that in many cases it cannot be right to ask a consent of this kind.

There are many owners of lands who are struggling to make a home, and who can ill spare the time to do work that may be required of them in draining land, that they may not desire to use for some time, and to escape the work they will sign such a consent, frequently not knowing the extent of the injury that the flooding may do, and some engineers object to asking such consent, fearing to take undue advantage.

Huron County Council, Clinton, said: "That when water is sent from the lands of one owner to the lands of another to his injury, the party injured should be enabled to call on the engineer so that the injury may be remedied, and the engineer should be empowered to enforce the removal of the injury by stopping up the drain bringing the water, or by diverting it, or by carrying it to a sufficient outlet, and this should apply to corporations or companies."

The commission recommends that the provision as to consent be struck out, and that the drain should be carried to a sufficient outlet.

"Through one or any number of such lots."

Reference should be made to passing across or along roads as well.

6. "Provided nevertheless that when it shall be necessary in order to obtain an outlet, that the drain or ditch shall pass through or partly through the lands of more than five owners (the owner first mentioned in this section being one, the requisition shall not be filed unless"

(*a*) "Such owner shall first obtain the assent, in writing thereto (including himself) a majority of the owners affected or interested, or"

(*b*) "Unless a resolution of the council of the municipality in which the greater portion of the work is to be done, approving of the scheme or proposed work, shall be first passed after those interested have been heard or have had an opportunity to be heard by the council upon notice to that end."

(*c*) "When the engineer shall, under section 8 of this Act, require other parties whom he deems interested to be notified, he shall not assess or bring in without his or their assent more than one additional interested person when the majority of those so notified and interested are opposed to being so brought in or assessed."

(*d*) "Unless the assent (by resolution) of the said municipal council approving of the proposed extension to the lands of other interested parties shall be first passed after a hearing or notice as hereinbefore provided."

It having been enacted that a drain begun must be continued to an outlet, it is in the last part of section 6 enacted that the power of one owner to enforce the construction of a drain shall be limited to a drain which shall pass through the lands of five owners or less than five owners.

There does not seem to be any distinct meaning in the words "partly through," unless the meaning is through the lands of a less number than five, and into but not through the lands of another.

It will be seen that the limit (lands of five owners) is a very variable one. The five owners may own five small village lots, each owning one lot, or even one village lot may belong to five or more or less owners, as in the case of undivided proprietorship, and a drain in such a case that could be enforced by one owner would be short indeed.

Again, one owner may have a number of township lots in a block, or separated at intervals, and the application of the ownership limit would in such a case authorize a very long drain, and after reaching a road owned by the municipality (see section 20) it could be continued along this road indefinitely without exceeding the limit laid down.

It will be noticed also that the owner initiating the work counts as one, and this would convey the impression that the drain may begin on his land, or at his higher boundary, while all the forms of notices and the form of award indicate that he is only seeking an outlet, and many of the county judges rule on this ground that the drain must commence at the lower or outlet boundary of his land, which ruling, if correct, restricts the drain to passing through the lands of four or of a less number than four owners.

It would slso seem that (if this ruling is correct, and the reading of the Act and forms seems to bear it out) the Act will not permit the construction of a line ditch between the lands of the applicant and neighboring lands. If the drain be on the line itself with half the width of the drain on the lands of the applicant and the other half of its width on the lands of the owner adjoining, or if the drain be placed altogether on the lands of the applicant, that is, on the applicant's side of the line, it could scarcely be said to go through the lands of that adjoining owner.

It is apparently intended by clauses *a*, *b*, *c*, *d* of section 6, to provide for extending the drain to reach an outlet farther away than is reached by going through the lands of five owners, under certain formalities and conditions, although it is nowhere enacted that such can be done. It is merely stated that without these formalities and conditions being complied with the extension cannot be made, and it is left to be inferred that if such formalities and conditions are complied with the work can be undertaken.

6. "Unless, (*d*) such owner shall first obtain the assent in writing thereto, of (including himself), a majority of the owners affected or interested, or"

It would appear from this, that if the drain is to pass through the lands of more than five owners the requisition to bring on the engineer shall be signed by, as assenting parties to the work going on, a majority of the owners of the lands through which the drain will pass, or it may mean of all concerned, those whose

lands the drain will pass through and those who will be required to do work on the drain.

(*b*) "Unless a resolution of the council of the municipality in which the greater portion of the work is to be done, approving of the scheme or proposed work shall be first passed after those interested have been heard or have had an opportunity to be heard by the council upon notice to that end."

Section 6 terminating with the word "unless," the same word at the beginning of this clause is confusing and seems unnecessary.

This seems to apply only in a case where the lands in two municipalities are affected. Such a case as is intended to come under section 26 of this Act.

The words "greater portion of the work" do not convey a definite meaning. The meaning may be greater extent as to length of drain or greater volume or quantity of material to be removed, or greater estimated cost of work.

There is no provision as to services of notices spoken of.

The provisions intended to be covered by (*c*) would appear to be more applicable under section 8, as far as an assessment is concerned, but it may be that the words "bring in" are intended to apply through lands with the drain. If this be the case, then, although there is no enactment to that effect, it may be inferred that the engineer can extend the drain through the lands of one owner, when the majority of those notified under the last part of section 8 are opposed to being brought in. He could only act when the majority were opposed, and then could only extend the drain through the lands of one.

If "bring in" relates to making liable for work, his powers of discrimination would have to be exercised in fixing on one as against the others.

(*d*) Would appear to be an extension of (*c*) providing for the extension of the drain through the lands of others notified under the last part of section 8.

These provisions are considered unsatisfactory and inapplicable, and their meaning difficult to understand.

E. P. Bouteiller, Windsor, said: "As to the limit of five owners, I would limit it to five distinct proprietors or pieces of property."

George Morris, Windsor, said: "I think the limit as to five owners should be changed. It should be extended."

Sterling Wood, Iroquois, said: "I think the applicant for a ditch should be a party to the award ditch, and as to whether the ditch should begin on the lands of the applicant or at the boundary, should be for the engineer to consider. The engineer should have power to award the making of a ditch on the lands of the applicant, and on the lands above the lands of the applicant, as well as the lands below his. I think the limit of length of drain through the lands of five owners should be enlarged to through the lands of ten owners."

B. B. Radmore, Chatham, said: "I would not make any limit in The Ditches and Watercourses Act. I would allow a person to carry the work to any limit he chooses, but when he uses it he should pay therefor; that would simplify the law."

Dr. McCully, Ridgetown, said: "One of the greatest defects in the drainage law as it is now is in regard to The Ditches and Watercourses Act, I think that the Act might be extended. I understand that the scope of the Act is limited to six or seven individuals. I cannot see why it should not be extended to an indefinite number. I don't see why a council could not by resolution extend it, after a committee being sent on to investigate. I think that the limit of going through five owners is too small. I think it should be extended on the recommendation of an engineer, or by the resolution of the council, or both."

Thos. W. Brown, Sarnia, said: "I think that the limit of passing through five owners is too small."

W. G. Willoughby, Watford, said: "We want the Act so that we can work back to the head of the drain. Under The Ditches and Watercourses Act, if a person in the centre wants an outlet across his neighbor there is no way of taxing the uplands for that. The engineer has no power to tax that above him. The engineer should go up as well as down."

Benjamin Waterworth, Glencoe, said: "Passing through the lands of four or five owners does not give sufficient scope to act upon."

Singleton Gibb, Glencoe, said: "The limit as to passing through the property of five owners is too restricted. I believe that a man lying above one or five or ten owners should be at liberty to press a ditch if necessary through as many owners as might be necessary. I think it is wrong that any one man should be drowned out."

L. E. Vogler, Bothwell, said: "I think the Act limiting the engineer to going through five owners too limited altogether; I would extend it to double that amount."

Arthur Leverton, Bothwell, said: "The Act should not be controlled by persons or ratepayers but by distance—say one mile."

William Fraser, London, said: "It should be extended to the limit of benefit, whether it took in more than five owners or not. I think it would be better to extend it beyond the limit of five owners."

A. P. McDougall, London, said: "There should be no limit to the distance to which an engineer should go."

William Whitebread, Wallaceburg, said: "The Ditches and Watercourses Act should be restricted to a very limited number—say five properties. In all cases beyond this the Municipal Act should be applied."

W. S. Culvert, Strathroy, said: "Ditches and Watercourses Act must utilize best outlet you can get. Five lots are sufficient."

James Anderson, Woodstock, said: "A little trouble in a village; five properties of at least 100 acres, or five full lots, whether they are sub-divided or not."

E. H. Mackintosh, Iroquois, said: "The property of five owners should be rectified. I would extend the drain through more than five owners and to the watershed and down to an outlet."

Adolphus Dixon, Iroquois, said: "Where a person made application to have an engineer come on, has the engineer any right to make the drain through the land of the applicant? The applicant's land may only be 40 rods wide, and if the engineer only comes up to the line of the applicant then the man higher up than the applicant is assessed with no means of reaching the drain. The award should cover the applicant's land."

Andrew Allison, Chesterville, said: "The award drain should go up as far as the watershed and make a drain to accommodate the lands requiring drainage in the locality, no matter about the position of the person applying for the drain."

S. H. Kendrick, Chesterville, said: "I would take it up and down to the watershed and outlet."

R. H. Coleman, Cannington, said: "The applicant should have the drain upon his own land instead of having the drain come only up to the line below his land. The Canada Company has made a drain, and persons above have made drains into a swamp above the Company's drain and made use of the Company's drain. The Company should have power to call on the engineer, and the council should have power to assume the drain as a municipal drain on his report and a petition. In a case of flooding or overcharging a private drain

or a drain under this Act the engineer should have power to construct any necessary links and make the whole drain suitable for all purposes."

GAVIN HAMILTON, Perth, said: "Give three miles instead of five owners."

Lanark County Council agrees with Mr. Hamilton.

W. LONSBOROUGH, Cannington, said: "In regard to the Ditches and Watercourses Act the limit of length of a drain should be one mile and a half."

M. J. MALOTT, Leamington, said: "As far as the Ditches and Watercourses Act is concerned. I think it is defective in its limits. I think that it doesn't extend far enough—I mean in regard to the length of it. It is confined to five owners in length; it should extend to seven or eight."

JOHN RICHMOND, Harrow, said: "If a man pays to a municipal drain for an outlet as a main drain, there should be no restrictions to his getting to that ditch under the Ditches and Watercourses Act. I think the engineer should have the power to go through any number of owners to give an outlet to an assessed party."

J. E. REAVELY, Welland, said: "Five lots as laid out by original survey should be substituted for the five owners as now."

M. B. BARNHARD, Welland, said: "The Ditches and Watercourses Act is useless the way it is patched up. The five owners should be changed to township lots. I would be in favor of the people electing a drain commissioner in the same way as a municipal councillor, and give him the power to employ an engineer if he so desires. I would let him go on according to his own free will; his decision should be final."

JOHN HAWKS, Leamington, said: "The law should be made so as to provide for line ditches, half-and-half in width on each man's land, or with the fence on the line and a jog in the ditch, so as to have part of length on one side and part on the other side of the fence."

JAMES MALOTT, Kingsville, said: "I would not limit the drain to the property of five owners but would confine it to small branch drains."

Huron County Council, Clinton, said: "The county judge of Huron holds, that an award cannot deal with the construction of the drain on the lands of the applicant but can only deal with its continuance from his lands. It either ought to be necessary, that before applying for the drain, the applicant have the drain made on his own land, or it should be made so that the construction of his drain can be provided for in the agreement or award and legalized."

STERLING WOOD, Iroquois, said: "Clause (b) of section 6 of the Ditches and Watercourses Act should be made so that it shall be imperative on the council to pass the resolution."

R. W. BECKSTEAD, Cornwall, said: "Another trouble which is general is where parties do not agree they have to apply to the council, and the council very seldom interferes where any number of persons are opposed to the drain and the work does not go on. The person wishing to have the drain constructed should have power to go through any number of owners. There should be no need of an application to the council."

D. R. BROWN, Cornwall, said:—"If on the application of one or more persons desiring to drain their land into a creek or channel, which below the point at which their award drain would enter it, is too small to carry off the water, by reason of shoals, or in any other way, then and in such a case the Municipal Council may have the power to submit the application to the referee, who shall visit the stream or channel, and determine by his report whether the improvement shall go on or not, and determine the lands to be assessed. I would apply the same principle to low lands lying partly within the limits of two or more municipalities."

"There should be some remedy in case an award drain is made down to a town line, and the outlet is some distance in the lower township."

Huron County Council, Clinton, said:—"A drain has been made under the Ditches and Watercourses Act in the adjoining township of Alma discharging at the boundary line of Grey, and flooding lands in Grey, and Alma purposes bringing other drains to the same boundary. The law should be made such, (and be made clear), as to enable the council to make an outlet to any extent required, and sufficient to convey away all water brought to it, and without a majority petition, on the report of an engineer, and the council should be enabled to assess all lands causing water to flow into such drain, and a municipality should be enabled to carry it through any other municipalities to an ultimate sufficient outlet."

The commission recommends that the limit as to length of drain be through five township lots and that the crossing of roads or running along roads should not count, but that this be left unlimited.

In going through lands of owners, other than roads, it becomes more and more difficult to regulate the construction and repair without taking parties to a distance from their lands to do work, but in going along a road the apportioning becomes more easy as between the parties and the municipality.

It is also important to encourage the work of drainage along roads, as much as possible with such drains as are contemplated by this Act, in view of the increasing interest that is being taken in road making.

Covered Ditch.

8.—(2) "The engineer may by his award direct that any portion of such ditch or drain may be constructed as a covered drain, and shall determine the size and capacity of the proposed covered portion, and the nature and quality of the material to be used therein, but no such direction shall be given by the engineer, if the covering of such portion of the ditch or drain would impede or delay the free flow of the water which the ditch or drain is intended to carry off."

This provision which relates to an underdrain, or covered drain, is made use of in various municipalities and much complaint is made in regard to it.

It will be noticed that no provision is apparently made for such a drain in section 4, and it does not appear that such a drain could be made by agreement under section 5.

It is contended that where a part of a drain is a covered drain, it should be covered all the way to the head of the drain, as it is difficult to keep the covered portion from becoming choked with leaves and rubbish when there is an open portion above it.

Others contend that there will be no difficulty in this respect if proper catch-basins are made, and that provision should be made in the Act for the construction and maintenance of these.

R. H. Coleman, Cannington, said:—"If a covered drain be made under the Ditches and Watercourses Act, then the drain ought to be covered from the head continuously, down until the open portion is reached and catch-basins should be provided for by the engineer, at the end of each man's portion."

W. E. Yarnold, Cannington, said:—"I certainly agree in all matters stated by Mr. Coleman in his evidence."

Henry Hardy, Strathroy, said:—"No engineer should allow any part of a drain to be tiled with an open portion above."

William Manigault, said:—"Covering should extend from head down."

JOHN SHEEHAN, Woodstock, said:—"Power should be given to the engineer to go on, and direct the open drain causing the trouble to be converted into a covered drain, and to apportion the expense over all parties interested in the drain, above or below, or both, as he may think proper. The person aggrieved should have the right to apply to have the engineer come on for the above purpose."

JAMES ANDERSON, Woodstock, said:—"Our drains under the Ditches and Watercourses Act are covered drains. The Act should be so as to make the drain all covered, as well under the Ditches and Watercourses Act as under the Municipal Act. We have very few drains without catch-basins every few hundred rods. It would be better to have the covered portion continuous to the upper end of the drain. Drains under Municipal, and Ditches and Watercourses Acts should be provided if covered with catch-basins."

R. W. PARKER, Woodstock, said:—"I agree with Mr. Anderson."

GAVIN HAMILTON, Perth, said:—"If any drain is covered it should begin at the head of the drain and be continuous all the way as far as it goes."

JACOB C. SHEPLEY, Kingsville, said:—"I favor by all means the covering of sections under award drains, because those open drains are largely a nuisance. I don't favor it at the expense of the whole drain. For instance, I want my drain covered through my lot, now, if it is to me an advantage to have that covered drain, and your water is coming through, and I want a covered drain, let me do that at my own expense."

JOHN SHEEHAN, Woodstock, said:—"A drain made under the Ditches and Watercourses Act was constructed some years ago and the lower section is open, then comes a covered portion, then an open portion, and then a covered portion, and lastly an open portion. The drain was constructed in this way, but the central open section being through woodland, leaves and other materials are brought down in the open portions and choke up the tile drain. I have tried boxing and putting in stones, but nothing will avail to prevent the water from flowing on the low land and injuring it."

ANDREW ALLISON, Chesterville, said:—"A covered portion of a drain, between two open portions would never work, and should not be allowed. When any drain is covered, then in every case the covering should begin at the head of the drain."

S. H. KENDRICK, Chesterville, said:—"If a drain is covered at all it should begin at the head and go down continuously."

GAVIN HAMILTON, Perth, said:—"Sub-section 3 of section 8 should be struck out. No man should be allowed to drain his land by tile or open drain into the head of another man's tile or open drain, unless by consent, if the drain is not in a watercourse, and if a larger tile is needed then the upper man should pay the charges. If an award drain is made and the applicant makes his private drain through his own lands, and the man above drains into the head of the private drain, the first man should have the power to bring on an engineer. If the drain is in a watercourse the tile should not be put in."

M. DAY, Ingersoll, said:—"I would not let the others in, unless under an award to enlarge the former drain, or in case it does not require enlarging, then for the using of it from where it connects down to the outlet. If the upper part of a drain is made first and the lower part is afterwards made, then, in such a case, the upper lands being furnished with an outlet should be made to do a portion of work as an outlet would be provided for the proper carrying off of the waters of the upper drain to an outlet."

JOHN DUFFY, Ingersoll, said:—"I agree with the evidence of Mr. Day."

JAMES ANDERSON, Woodstock, said:—"If the private drain is furnished with an outlet by a drain made under the Ditches and Watercourses Act, it should

be made a part of the scheme and be given work under the award as a part of the drain."

R. PARKER, Woodstock, said:—"The trouble is with two ditches made through my land, both open, to take away water from the tile drains above. I want the man above to assist me in putting in tile. They were made before I bought. The law should be amended, so that if water is caused to flow upon the lands of another man, then that man should have power to call on the engineer to make an award to take that water to a proper outlet, and charge all parties causing the water to come down on the land below, and to make it a covered drain."

E. H. MACKINTOSH, C. E., Iroquois, said:—"In case of a person having a tile drain which is entered by an adjacent owner by another tile drain, the man below should have the right of calling on the engineer so as to adjust the whole matter, and the changes to be made and at whose expense, so as to do justice to all parties as nearly as possible."

ANDREW ALLISON, Chesterville, said:—"In case one person had a private drain, and it is led into by another, then the person aggrieved should have the power of bringing on the engineer, whether the drain is open or covered."

S. H. KENDRICK, Chesterville, said:—"If the award drain furnishes or improves an outlet, then the drain furnished with an outlet or improved outlet should do some work."

M. J. MALOTT, Leamington, said:—"No man should be allowed to use an award drain indirectly through the open or tile drain of another, without paying for the necessary enlargement of the open or tile drain. If a man adjoining the drain is going to tile into an award drain or a municipal drain, another man more remote would naturally drain through his land, they should share in the expense of making the drain large enough for both."

Many farmers prefer to have their drains covered drains, and complaint is made, that when such a drain is made away from the source of the water, or in a position where other lands are liable to be drained into it, there is no provision to enable a tax to be levied on the lands above, so as to provide in advance a covered drain of sufficient carrying capacity to convey away the water when these higher lands drain into the covered drain.

The man who tiles, contends that when he makes a drain of sufficient size for the needs of his own land, and to convey away the natural surface flow from the lands declining towards his drain, he should be called on to do no more. It is found, however, that as soon as he has this done, his neighbor, seeing the good effect of the underdrain, begins draining his farm and leads his drains to the one first made, and the lower man's drain is surcharged, and this applies to open drains as well as to those covered.

The commission is asked to recommend, that the law be made that when a landowner wishes to make a covered drain under this Act, the owners of lands that will drain towards it, can be called on to contribute towards making the covered drain of such carrying capacity, as will provide for the future needs of these lands, or else that their owners be debarred from joining their drains with his.

The commission is of the opinion that there is a tendency to make tiled or covered drains in positions not well adapted for them, and to turn into covered drains watercourses that are the natural channel for the discharge of water from considerable areas, and which should be preserved as open channels, and that if legislation were given without limitations, by which very expensive covered drains could be made to take away waters not diverted from their natural course, and

cause a heavy tax to be placed on other lands than those in which the covered drains are made for these expensive works, and failing this to deprive these other lands of their advantages from elevation and position, an injustice might be done.

Assessment or Liability for Work.

8.—(2) "In no case shall the engineer include or assess the lands lying more than 50 rods above the point of commencement of the ditch or drain upon the lands mentioned in the notice (form B) provided for by section 5 of this Act, nor the lands on either side of the ditch or drain which lie more than 50 rods from the drain, and only so much within such 50 rods as, having due regard to the nature of the locality and of the soil and the lay of the land and its distance back from the ditch or drain, as will be benefited by the ditch or drain and then only according to and in proportion to the benefit which it will receive by such construction."

In this sub-section it is provided that the lands cannot be assessed or brought in that lie more than 50 rods above the point of commencement of the drain, and here the words "assessed" and "brought in" must refer to the liability of the owners for work and maintenance, and it is distinctly stated that the point of commencement of the drain is upon the lands mentioned in (form B), and the wording of the form refers to no land but the land of the owner who moves for the drain and the lands through which the drain will pass.

It is also provided that the lands cannot be brought in or assessed that lie more than 50 rods on either side of the drain.

This, then, makes the only lands liable for work, or assessable for rock cutting, those which lie between the drain and a line beginning at a point even with the mouth of the drain, and 50 rods to one side of the drain, and running thence parallel to the drain to a point even with its head, then in a semi-circle around and above its head to a point on the other side of the drain and even with its head, and then parallel to the drain to a point even with its mouth, keeping at all points 50 rods from the drain.

The liability being confined to the land of the applicant, and the lands through which the drain will run (the lands in form B), and the judges holding that the engineer can only begin the drain at the boundary of the land of the applicant at which he seeks his outlet, then his land cannot be brought in beyond 50 rods from the boundary at which he is seeking his outlet, while he may have a drain extending through his whole property, and others may have drains leading to his who cannot be brought in.

It is frequently found, that the owner wishing to make use of the Act is one who either has a drain already made on his own property, or who has water drained to his land by others at a higher elevation, and he, to protect himself against injury, is obliged to move to take the water farther on. When he does move, he and the parties through whose lands the drain will run have to do the whole work, or at best only those in close proximity to the drain have to do work.

The fifty-rod limit seems to restrict the fair application of the Act only to new drains, beginning at the boundary of the lands of the applicant.

It may be noticed also that the Act gives the power of awarding work only by inference and not by direct enactment.

J. P. Whitney, M.P.P., Iroquis, said: "Section 8, sub-section 2. The provisions of this sub-section render the law practically useless in many cases. It

cannot be necessary that argument should be offered in proof of this proposition. It must be obvious to any person familiar with the conditions of drainage in this locality. The fifty-rods limit should be struck out."

R. J. MORRISON, Chatham, said: "I think the fifty-rod limit under the Ditches and Watercourses Act is a nuisance. I think the engineer should have power to assess land beyond the limit of fifty rods. There should not be less than 100 or 150 rods."

JOHN VESTER, Chatham, said: "The fifty-rod limit in the Ditches and Watercourses Act is too small altogether. If it was less limited, we could use the Ditches and Watercourses Act a great deal more than we do. It should not be less than 100 rods anyhow. We use it a great deal in our township. We have a great many small drains that we use it on to advantage. We are using it along the line fences."

C. PURSER, Chatham, said: "The fifty-rod limit, under the Ditches and Watercourses Act, seems to give general satisfaction in our township. If a benefit was derived by lands more than fifty rods away, I would be in favor of extending the limit. The limit might be seventy rods."

DAVID WILSON, Chatham, said: "I would make the limit in the Ditches and Watercourses Act extend as far as there was any benefit derived from it."

JOHN CLARKSON, Chatham, said: "I do not think there should be any limit under the Ditches and Watercourses Act. I think the limit should be extended to all lands benefited by it."

WM. IRWIN, Chatham, said: "My opinion would be, with reference to the fifty-rod limit on each side, that it is perfectly wrong. The limit should be extended to the limit of the watershed. It should be extended as far as the benefit."

JOHN SMITH, Chatham, said: "I think the fifty-rod limit is bad. The limit should extend out from the drain as far as the watershed."

JOHN REYCRAFT, Chatham, said: "I have no objection to the fifty-rod limit in this Act if I could go fifty rods above, but I think the limit itself is too small."

ROBERT WILKIE, Chatham, said: "I would abolish the fifty-rod limit and would extend it to the lands benefited."

N. H. SHEPLEY, Chatham, said: "I have but little to say with regard to the limit of fifty rods. I fail to see very much wrong with that part of the Act; while, perhaps, that limit might be rather short, I think there is greater danger of extending it too far. It seems to me by extending it very much farther, there is danger of an injustice being done by giving one proprietor control over the many. I think, at farthest, it should not exceed 100 rods."

DR. MCCULLY, Ridgetown, said: "I think the fifty-rod limit too small. I think it should go to the extent that the engineer would suppose would be benefited. I don't think it should be limited."

JOHN CRAWFORD, Ridgetown, said: "The Ditches and Watercourses Act was one of the most useful Acts we ever had until it was turned upside down. The fifty-rod limit is too narrow; it should not be confined to any limit. The limit should extend to lands affected. My opinion is, that parties, no matter how high their lands are, when they gather the water and put it into a drain and send it down upon those low lands, they should be compelled to a certain extent to take it off."

WM. MANN, Comber, said: "I think the limit under the Ditches and Watercourses Act should be extended from fifty to 200 rods so as to cross two lots."

P. F. STRONG, Comber, said: "The limit under the Ditches and Watercourses Act should be extended to 100 rods."

JOHN A. BUCHANAN, Comber, said: "I think the fifty-rod limit is wrong. I think it should be extended. We have cases where water is brought probably, say, 200 or 300 rods away from it. I consider that the limit is too small. It should be extended to 100 or 150 rods."

S. I. MALOTT, Kingsville, said: "I would extend the fifty-rod limit to the watershed, or, at least, to 100 rods."

JACOB A. SHEPLEY, Kingsville, said: "I fancy possibly the limit is a little narrow at present. I think, if I was to make a suggestion, that it would be to the effect that the limit be about 100 rods."

JAMES MCKINLEY, Ridgetown, said: "The fifty-rod limit in the Ditches and Watercourses Act is bad, and should be struck out. The lands should be assessed as far as the ditch will benefit them."

GEORGE MCDONALD, Ridgetown, said: "There should be no limit to the Ditches and Watercourses Act."

C. DARLING, Ridgetown, said: "The fifty-rod limit is wrong."

JOHN SERSON, Ridgetown, said: "The engineer should have the privilege of going beyond the fifty-rod limit. It should extend to the watershed."

THOMAS W. BROWN, Sarnia, said: "I would extend the fifty-rod limit to the lands affected; I would extend the limit as far as the water would get to the ditch."

WILLIAM NESBITT, Sarnia, said: "I think the present limits of the Ditches and Watercourses Act make it of no use at all. My opinion is, that the fifty-rod limit has made the Ditches and Watercourses Act in our township so that there are very few ditches constructed under it."

JOHN S. SHIELDS, Watford, said: "I think the fifty-rod limit should be extended to 150."

HECTOR MACFARLANE, Glencoe, said: "The fifty-rod limit is wrong; it is wrong in level countries."

BENJAMIN WATTERWORTH, Glencoe, said: "I don't approve of the fifty-rod limit."

SINGLETON GIBB, Glencoe, said: "I think it works satisfactorily. The fifty-rod limit is too narrow. I would favor that being left to the discretion of the engineer. I would make it 200 rods anyway."

L. E. VOGLER, Bothwell, said: "I think the fifty-rod limit, under the Ditches and Watercourses Act, should be extended; I think a great deal of hardship is incurred by that. The limit should extend to as far as the engineer chooses to go for benefit, to the limit of the benefit. I always considered it a hardship that an engineer was not allowed to go more than fifty rods from the drain."

ARTHUR LEVERTON, Bothwell, said: "The fifty rods will not take in the fair quantity of land affected."

WM. FRASER, London, said: "I think the fifty-rod limit might be extended. It should be extended as far as would be thought beneficial."

A. P. MCDOUGALL, London, said: "I think the fifty-rod limit is too restricted; I don't see any reason for it. The limit should be extended as far as the lands are benefited by it."

CHARLES JONES, London, said: "The Ditches and Watercourses Act should be amended by abolishing the fifty-rod limit, and allowing the engineer to assess as far as the lands affected extend."

GEORGE LEVERSAGE, Stratford, said: "Fifty-rods limit should be struck out, and the assessment extend as far as the lands affected lie and up to watershed. Make the outside limit 160 rods on either side."

MICHAEL ARNOLD, Ridgetown, said: "The fifty-rod limit ought to be abolished and the lands affected assessed, the land actually benefited, but in no case should it extend beyond the limits of the lots adjoining the drain."

JAMES LESLIE, Ridgetown, said: "Fifty-rod limit should be extended, but not beyond the limits of lots adjoining the drain."

JAMES SERSON, Ridgetown, said: "The fifty-rod limit should be abolished, and the lands actually affected assessed, but not going beyond the lot affected. It is very well as it is, because the persons owning lands beyond the fifty-rod limit may not drain them for ten or fifteen years. The fifty rods is farther than the benefit extends."

JOHN LANGFORD, Ridgetown, said: "The fifty-rod limit is too small."

JOHN MCKERRICHER, Ridgetown, said: "Fifty-rod limit in the Ditches and Watercourses Act is too small; would say 100 rods."

WILLIAM WHITEBREAD, Wallaceburg, said: "The fifty-rod is too small, but should be extended so as to embrace all the land benefited on the lot adjoining the drain. My reason is, that a lot adjoining the drain will drain all the water from it into the drain, whether it comes 100 rods or more, whereas his proportion of work is restricted to fifty rods, and is the same as where only fifty rods of a lot can be drained; the first man receives double the benefit of the second at the same cost."

DAVID BRANDT, Forrest, said: "Trouble with the fifty-rod limit. It destroys the usefulness of the Act. Persons come in and use the drains and don't pay anything."

ROBERT RAE, Forrest, said: "Extend the fifty rods, but in no case exceed the limit of the lots on either side."

R. H. COLEMAN, Cannington, said: "I am in favor of limiting the Act to the least possible limit and not beyond fifty rods, for the reason that it is only intended to reach a municipal drain."

ALEXANDER LEITH, Alvinston, said: "The fifty-rod limit is all right."

JAMES ORCHARD, Alvinston, said: "Fifty rods too small; go as far as the water comes down."

HENRY HARDY, Strathroy, said: "Fifty-rod limit is enough."

JAMES NORTHCOTT, Strathroy, said: "I would extend fifty-rod limit as far as the lands affected extend."

WM. MANIGAULT, Strathroy, said: "It is all very well for a few but will not work with a large number."

W. S. CALVET, Strathroy, said: "Fifty rods should be extended a little. It should extend as far as the lands affected lie, but in no case to exceed 75 rods."

E. B. BROWN, Ingersoll, said: "Fifty-rod limit should be done away with, it should be extended but not beyond the lots adjoining the drain."

M. DAY, Ingersoll, said: "I am opposed to the fifty-rod limit, but no lands should be assessed which do not border on the drain."

JOHN DUFFY, Ingersoll, said: "I agree with the evidence of Mr. Day."

JOHN SHEEHAN, Woodstock, said: "The fifty-rod limit should be abolished and should extend to 100 or 150 rods."

JAMES ANDERSON, Woodstock, said: "The fifty-rod limit is too short and ought to get doubled and trebled. I would not go beyond the boundaries of the land adjoining."

R. W. PARKER, Woodstock, said: "I agree with the evidence of Mr. Anderson."

W. R. BURKE, Ingersoll, said: "The fifty-rod limit contains a good principle I maintain, but the limit might be extended to 100 or 120 rods at the sides, and farther at the head where the fall is not great."

ANDREW ALLISON, Chesterville, said: "The Ditches and Watercourses Act was before the limit better than it was ever since. The mistake was made in the fifty-rod limit. It should extend to the watershed. Lands should be liable for assessment up to the watershed but the assessment should become lighter as it goes up."

THOMAS CARLISLE, Chesterville, said: "All lands affected should be taken in up to the watershed."

S. H. KENDRICK, Chesterville, said: "The fifty-rod limit is too narrow, would go to the watershed."

C. D. CASLEMAN, Chesterville, said: "There was before the fifty-rod limit a great hardship in going great distances in assessing for outlet. The Act should only apply to small drains. The municipal drains could be made for outlet, but the award drains should be for benefit only. The restriction is too great and should be extended to a farther limit, say 100 rods."

E. S. GREGORY, Chesterville, said: "I agree with the evidence of Mr. Casleman."

EZRA BECKER, Chesterville, said: "There should be no limit to the Ditches and Watercourses Act, and it should extend to the watershed all round."

DAVID RAE, Chesterville, said: "I don't approve of the fifty-rod limit. I would assess for benefit and outlet, if the outlet was a benefit to the lands. Begin at the head of the watercourse and carry it through until you get an outlet. I would go laterally as far as the water comes. I would calculate the ditch to drain the whole district."

JAMES MCOUAT, Chesterville, said: "Fifty-rod limit, under the circumstances you explain as the reasons for its being made law, is all right."

STERLING WOOD, Iroquois, said: "I think the fifty-rod limit too restricted and that it should be extended to the limit of benefit or at least 200 rods."

JOHN BENNET, Cornwall, said: "I am against the fifty-rod limit, and I think the engineer should have power to go to the watershed. It should be at least 100 rods on each side and from the head of the drain."

J. B. SNYDER, Cornwall, said: "I would do away with the fifty-rod limit in the Ditches and Watercourses Act and extend it to the watershed."

R. M. BECKSTEAD, Cornwall, said: "The law is changed so as to restrict the assessment within fifty rods. The limit is not wide enough. Parties wishing to open up drains cannot go beyond the fifty-rod limit, and they do a great deal of work for the benefit of others who couldn't be reached as the law stands. To remedy this I would extend the limit to the watershed."

J. A. MCDOUGALL, Cornwall, said: "One trouble was the fifty-rod limit. It was a grievance to a great many. A drain might be made benefiting others, who could not be assessed and who were anxious to get in. It should in any case be extended to 70 rods."

ZENAS ORTON, Leamington, said: "I should think there could be a little amendment to the Ditches and Watercourses Act. I don't think it extends quite as far as it should. I should say it ought to be double the distance. I have known a number of cases that draw 100 rods each way, and I think it should go more than fifty rods from the head. I don't think I would allow people to use the Ditches and Watercourses Act for constructing large drains; that should be done under the Drainage Act."

C. COATSWORTH, Kingsville, said: "I think the fifty-rod limit should be extended to 100 rods, if I could not get the 100 rods I would take 75, but a 100 would be the best."

RICHARD PRESTON, Leamington, said: "I think the limit under the Ditches and Watercourses Act extends far enough. It should be confined to small drains."

CHARLES FOX, Kingsville, said: "There is one objection I would take and that is the limit of 50 rods. It should be 100 rods at least."

M. J. MALOTT, Leamington, said: "I think the fifty-rod limit is too restricted; it should be double that distance. I think it should not be less than 80 rods at least."

GEORGE ROBINSON, Leamington, said: "I would place no limit in the Ditches and Watercourses Act whatever, that is my view neither in number of lots nor distance."

A. BAIRD, P.L.S., Leamington, said: "The fifty-rod limit of assessment in the Ditches and Watercourses Act should be extended and made 60 rods at least, so as to take in half a lot on each side or 120 rods in all, so as to take in a whole lot."

JOHN RICHMOND, Harrow, said: "I think the fifty-rod limit is a great improvement in the Ditches and Watercourses Act."

MYLES J. PATTON, Harrow, said: "I believe the fifty-rod limit might be increased. In certain cases I have no doubt that twice the present distance would not be too far."

JAMES H. BROWN, Harrow, said: "I think the fifty-rod limit is too short. I would go as far as a person would use the drain or would be benefited by it. If a person beyond the 50 rod limit is benefited he should be assessed. I should say it ought to be about 100 rods."

RICHARD DODSON, Comber, said: "I think the fifty-rod limit is too short. I should think it should be extended to 200 rods any way at the least, so as to take in two lots on each side."

J. E. REAVELY, Welland, said: "The fifty-rod limit is too small, it should be extended to 80 rods or 100 rods at least. I would extend the limit and run in the direction of the drain and around the head of the drain."

GEORGE ROSS, Welland, said: "In the Ditches and Watercourses Act fifty rods should be extended to 80 rods. It would be better to make it the width of a lot on each side."

THEODORE WIGLE, Kingsville, said: "The fifty-rod limit now in the Ditches and Watercourses Act is about right in my judgment."

Huron County Council, Clinton, said: "In the Ditches and Watercourses Act, the limit of liability or assessment should be the limit of benefit, but we do not favor the Act as it is."

GEORGE MORRIS, Windsor, said: "I think the fifty-rod limit under the Ditches and Watercourses Act is too small, but I do not think I could suggest any limit. I would certainly extend it as far as the land is benefited."

F. P. BOUTEILLER, Windsor, said: "I would not be in favor of extending the fifty-rod limit under the Ditches and Watercourses Act much farther. It strikes me that the moment they have to go very far, they must use the special drainage system."

WALTER WALSH, Windsor, said: "I would leave the fifty-rod limit in the Ditches and Watercourses Act as it is."

H. P. MAILLOUX and P. F. Strong, agree with Mr. Walsh.

JOHN BRAY, Amherstburg, said: "I do not see any reason why the fifty-rod limit should not be extended. I would extend it as far as it was available."

JAMES HONOR, Amherstburg, said: "There are some cases in our township where parties are complaining about the fifty-rod limit. Some think it should be more extended. I fancy that the fifty-rod limit should be extended. I would get at least half way across a lot or 60 rods. I would extend it 64 rods from the drain."

W. Lonsborough, Cannington, said: "The limit of liability for assessmen fifty rods is not wide enough; it should extend to 100 rods from the drain."

The commission recommends that the limit of fifty rods be extended to 75.

Proceedings.

(5) "In case of dispute between owners respecting such proportions, any owner shall, before filing with the clerk of the municipality the requisition provided for in section 6 of this Act (form C. or to the like effect), serve upon the other owners or occupants of the lands to be affected a notice in writing signed by him (form B. or to the like effect), naming a day, hour, and place convenient to the ditch or drain at which the parties are to meet, and if possible agree upon the respective portions of the ditch or drain to be made, deepened or widened by each of them, the notice to be served not less than twelve clear days before the time of meeting; and in case at the meeting an agreement shall be come to between the parties, the agreement shall be reduced to writing (form A. or to the like effect), and shall be signed by all the parties, and shall within four clear days from the signing thereof, be filed with the clerk of the municipality in which the land adjoining the ditch or drain is situated, and the agreement may be enforced in like manner as an award of the engineer as hereinafter provided."

This section applies to a case in which there is a dispute between owners respecting the proportion of the ditch or drain to be made by each. It should not necessarily apply only to a case where there is a dispute, but to any case where a drain is required.

"Any owner shall, before filing with the clerk of the municipality the requisition provided for in section 6 of this Act (form C or to the like effect), serve upon the other owners or occupants of the lands to be affected a notice in writing signed by him (form B. or to the like effect)." Turning to form B. it will be seen that it applies to an owner seeking an outlet through another's land, and from the evidence it appears that some county judges rule in case of an award, that the engineer has no right to award any drain to be made on the land of the owner moving to have the work done, but must begin at his boundary line. When the agreement is filed with the clerk of the municipality, it takes the position of an award as far as its enforcement is concerned, and it becomes a question whether or not the agreement must relate to such a drain only, as will begin at the lower boundary of the lands of the owner moving to have the work done. The wish is very general, to have the Act and forms made to deal with the drain on the lands of the owner applying, and on the lands above and below his.

At the time of writing, an award has been set aside in the county of Kent after much expense was incurred, owing to the party who signed the requisition to bring on the engineer not being the owner, and this is a case of frequent occurrence, the land being sometimes found to be the property of the wife, or of a parent, and the discovery comes too late. It has been urged that the party signing the requisition should, before doing so, file a declaration that he is the real owner.

The calling of a meeting for an agreement being at the foundation of the proceedings the commission recommends that such a declaration be required to be filed before the first proceedings are taken.

"And in case at the meeting an agreement shall be come to between the parties, the agreement shall be reduced to writing (form A. or to the like effect), and shall be signed by all the parties."

At this meeting when a road will be affected, it is evident the reeve or some one properly authorized should be present to act for and bind the corporation.

It has been suggested, that provision should be made to have the engineer present at the meeting to direct the drawing up of the agreement, and if no agreement be come to, that the engineer then and there proceed with the work.

It is claimed that it is found impossible to enforce work or completion of repairs under agreements as usually drawn.

JOHN S. CUMMINGS, Cannington, said: "If continued the engineer should be present at the meeting for agreement, to guide in the drawing up of the agreement, the engineer if they do not agree, to go right on with the work and to look into the notices and to the ownership."

R. H. COLEMAN, Cannington, said: "I am convinced, that the usefulness of the preliminary meeting for agreement is in name only. It is of no use, the agreement as drawn is not enforceable. I have never seen one yet that was, except in a simple case, as usually drawn it is impossible to carry it out, as levels and location must be fixed by an engineer. Every thing must be specific and definite before it can be enforced. I would merge meeting for agreement and meeting with engineer into one. Sections 5 and 6 should be consolidated."

The form of agreement form A. would, as it is the second form referred to in the section, be more appropriately designated as form B., and form B. as form A., it being the first referred to. Form A. provides for the maintainance of the same parts by the several owners, as are constructed by them; and a certain fixed time is contemplated for all the sections, when it might be better to vary the time so as to have lower sections completed first.

"And shall be signed by all the parties and shall, within four clear days from the signing thereof, be filed with the clerk of the municipality in which the land requiring the ditch or drain is situated, and the agreement may be enforced in like manner as an award of the engineer as hereinafter provided for."

It does not seem quite clear whether the agreement has to be signed at the meeting or not, and the time in which it has to be filed after the signing seems very short. Time should be given to have the agreement drawn by a solicitor, or other person arranged for by the parties, and a longer time should be given after the signing to get it to the clerk, say six days.

(6) "In case the parties at the meeting shall not agree, any owner may file with the clerk of the municipality in which lands requiring such ditch or drain are situated, a requisition (form C. or to the like effect), shortly describing the ditch or drain to be made, deepened or widened, and naming the lands which will be affected thereby and the owners respectively, and requesting that the engineer appointed by the municipality for the purpose be asked to appoint a day in which he will attend at the place named in the requisition, which shall not be less than ten or more than sixteen clear days from the day on which he received a copy of said requisition, and shall also at least four clear days before the time appointed, serve upon all the persons named in such requisition a notice (form B. or to the like effect) requiring their attendance at the said time and place, etc."

This presupposes a meeting under section 5, and lays down that if an agreement is not come to at that meeting, any owner may file a requisition with the clerk. It should be made clear, that the owner filing must be the owner who called the meeting for agreement.

It does not provide for a case where the "*parties* at the meeting" have come to an agreement, but have (if there has been delay in drawing up the formal written agreement) objected to signing it from a change of mind or other cause, and the agreement has fallen through.

Executors, guardians, and agents under power of attorney, should be placed in the same position as a real owner for the purposes of the Act.

The words "any owner," would seem to imply that any one of the parties could call on the engineer, but form C. will not carry out this view, it is the party seeking an outlet who shall act, and if the whole drain is to be made, the party whose lands are at the head of the work must originate it.

The Act and form should provide for the notification of all liable for work, or an assessment, as well as for those through whose lands the drain will pass.

"In which he will attend at the place named in the requisition," would be better changed too. "In which he will attend at the locality of the said proposed ditch or drain," is the way it is stated in the requisition. The engineer can then in his answering notice, name the most convenient place in the locality.

Section 8—(1) "The clerk shall after receiving the requisition, forthwith notify the engineer by registered letter, enclosing a copy of the requisition; and on receipt of the same, the engineer shall notify the clerk in writing, naming a time at which he will attend; and on receipt of this notice, the clerk shall file the same with the requisition, and shall forthwith send a copy of the notice of the engineer by registered letter to the owner making the requisition, and the engineer shall attend at the time named in said notice, shall examine the premises and if he deem proper, or if requested by any of the parties, shall hear evidence, and is hereby authorized to examine the parties and their witnesses on oath, and may administer an oath or affirmation as in courts of justice, and if he shall find the making, deepening or widening of the ditch or drain necessary, he shall within thirty days after the day of meeting named in the requisition, make his award in writing (form E. or to the like effect) specifying clearly the locality, description and course of the ditch or drain, point of commencement and termination of same, the portion of the ditch or drain to be done by the respective parties, and the time within which the work is to be done, the amount of his fees and other charges and by whom to be paid; and he shall have power to adjourn the examination and may require the notification and attendance of other parties whom he deems interested in the ditch or drain, such other parties to have at least four clear days' notice of time and place of attendance."

"Naming a time at which he shall attend". This had better be read, "naming the time and place at which he will attend." The engineer can then fix the most convenient place as well as time for his attendance.

"And the engineer shall attend at the time named in the said notice." Better to insert "and place" as before.

"He shall within thirty days after the day of meeting named in the requisition."

The day of meeting not being named in the requisition, it should be changed to read, "the day of meeting named in this notice in answer to the requisition."

The time thirty days from the day of meeting within which the engineer has to make his award is found in practice to be too short, as it sometimes happens that the day appointed, is one on which, owing to a heavy fall of snow or of some other unforeseen circumstance, an examination of the premises, or survey of the proposed drain, could not be made, and the meeting would have to be adjourned, and the thirty days should be counted from the day to which the adjournment is made.

"Make his award in writing (form E. or to the like effect)."

Turning to form E, it will be noticed that there is no proper grammatical connection of the words "having by the requisition of" and their natural sequence the words "did attend." The construction would be improved by inserting the words, been required so to do, between "having" and "by."

Section 8.—(1) does not enact that the engineer shall award the maintenance or keeping in repair. It should do this.

Section 8.—(1) provides that the engineer may award "the amount of his fees and other charges and by whom paid." It is not clear what is meant by other charges.

The award, and section should provide for payment of assistants, and of clerk's fees, and should provide for cost of culverts on roads, for catch-basins etc., or for the construction of culverts, and catch-basins by parties to the award.

"And he shall have power to adjourn the examination, and may require the notification and attendance of other parties whom he deem interested in the ditch or drain. such parties to have at least four clear days' notice of the time and place of attendance."

It should follow that he should have power to award work and costs to these as well as to others.

There does not appear to be any provision by which the engineer can be compensated, in case he finds after going on the ground, that parties have not been properly served with their notices, or that other preliminary steps have not been properly taken, and he is prevented from making an award, knowing that if he does make an award it will not be legal.

Provision should be made to secure his pay in such cases.

Where a drain affects lands or roads in two or more municipalities, provision should be made for the filing of a copy of the award and of all plans, profiles etc., relating thereto, with the clerk of each municipality the cost of which to be charged to the work.

Huron County Council, Clinton, said: "If the act is retained when a drain has been let, and made by the engineer, and his certificate given, the council should have power to distribute the payment over a term of years."

"If the act is continued, we favor that it be worked under a money assessment rather than by work in the drain, as a better drain can be made by this means."

Mr. Milne, Clinton, said: "This should be the case, when the parties do not agree at the first meeting," and Mr. Oliver and Mr. Haine agree with this, and it should be made so that the council can spread the assessment over a term of years.

Alexander Farlinger, Iroquois, said: "In The Ditches and Watercourses Act, assessment in money should be made and the work should be let by public competition."

W. Lonsborough, Cannington, said: "The award should cover construction only. Then when repair is needed, any one party may give notice and council may have repair made under a money assessment. Turn it into a drain under The Municipal Act after construction unless the parties should agree."

James Anderson, Woodstock, said: "The award should provide for the doing of the work, or paying the value in money. It should be optional."

R. W. Parker, Woodstock, said: "I agree with the evidence of Mr. Anderson.

Alexander Farlinger, Iroquois, said: "Many persons think it would be better for the engineer to let the work out by contract or agreement under his control, with power to have the lands and so forth assessed for the work. I approve of this."

Thomas Carlisle, Chesterville, said: "An engineer should have power to put a money assessment for the making of an outlet, sometimes through rock, and it could be done better and cheaper."

D. R. Brown, Cornwall, said: "If the engineer goes on after the thirty days expire, then he shall not be considered a trespasser nor shall the award be declared invalid on that account."

Gavin Hamilton, Perth, said: "I would favor a money assessment for repairs under the Ditches and Watercourses Act. As much as possible I would have each man repair on his own land."

Lanark County Council agrees with Mr. Hamilton.

Zenas Orton, Leamington, said: "I think better work would be done, if ditches under the Ditches and Watercourses Act were constructed by money instead of work. A contract drain is always better when it is done by one man. It gives better satisfaction. I never saw one, where the parties did it themselves, that you could consider more than half done."

N. H. Shepley, Chatham, said: "I think it would be an improvement to have the engineer, in making out his report, put an estimate on each section."

James Serson, Ridgetown, said: "My opinion, in regard to fixing the value of the different sections in money as well as in labor by the engineer under the Ditches and Watercourses Act, is to make every man do his own work."

William Nesbitt, Sarnia, said: "A person should be allowed the privilege of doing his own work upon a drain, or paying for it to be done."

Benjamin Watterworth, Glencoe, said: "A man should be given the option of paying for the work."

L. E. Vogler, Bothwell, said: "I think the idea of making an assessment in money, as well as in work, and giving the parties to the drain the privilege of either doing the work or paying the money, might be made to work."

A. P. McDougall, London, said: "When the engineer goes on, he should apportion the cost in money assessment. The drain should be constructed then, under a commissioner appointed by the municipal council and under contract."

Charles Jones, C. E., London, said: "I would approve of abolishing the assessment in work on these drains, and substitute an assessment in money, so as to enable a municipal council to let the contract of the whole drain, instead of each man doing a portion of the work. In this way the drain would be more effective in its working."

George Leversage, Stratford, said: "Assessment should be made in money and work, and any party should have the privilege of paying. The repairs should in any case, be by money assessment and contract, a person as the Act is now, must have a part of the drain to maintain before he can complain of another not maintaining his."

Michael Arnold, Ridgetown, said: "There should be a money value on every section."

James Leslie, Ridgetown, said: "The assessment in money should be substituted for work."

David Brandt, Forrest, said: "Each man should have the privilege of paying the money instead of doing the work."

Benjamin Richardson, Alvinston, said: "There should be an assessment in money instead of an apportionment of work. If all parties are agreeable, this division of work would be all right. If engineer is brought on it should be in money; council can then let the contract for making the drain."

Alexander Leitch, Alvinston, said: "I would have the assessment in money instead of work."

James Orchard, Alvinston, said: "Would be in favor of a money assessment and let the contract for the whole work."

John Maddock, Alvinston, said: "The engineer should state the value of each section, and give the privilege of paying money instead of doing work."

Henry Hardy, Strathroy, said: "In the award give each man privilege of paying money or doing work. It would be a better drain if made under a money assessment."

James Northcott, Strathroy, said: "Make money assessment, and let contract in same way as under the Municipal Act."

M. Day, Ingersoll, said: "Either allow a man the privilege of doing the work on another's land, or pay the cost of it."

John Sheehan, Woodstock, said: "Power should be given to the engineer to make a money assessment and let the work by contract."

The Commission recommends that the work of each owner, and its estimated cost, be placed in the award, and that the money value in the award as finally settled, be the basis for the assessment for repair if it be found impracticable as stated by some witnesses to regulate the repair so as to give each owner the repairs on his own lands."

Rock Cutting.

9.—(2) "If it appears to the engineer that rock-cutting is required to be done, the engineer may get the rock cut or blasted, by giving the contract out to public competition by tender or otherwise, instead of requiring each person benefited, to do his share of the work. The engineer shall, by his award, determine the sum which shall be paid by each of the persons benefited, which sum unless forthwith paid, shall be added to the collector's roll, together with seven per cent. added thereto, and the same shall thereupon become a charge against the land of the parties so liable, and shall be collected in the same manner as other municipal taxes."

This provides for rock cutting or blasting, and the inference is that cutting and blasting mean also its removal from the drain, but this should be made clear.

"The engineer may get the rock cut or blasted by giving the contract out to public competition."

This should apply to not only the cutting and blasting, but to its removal.

"The engineer, shall, by his award, determine the sum which shall be paid by each of the persons benefited." The last part should be made to read, by each of the persons whose lands will be benefited by the rock work.

It has been pointed out by Mr. Whitney, Q. C., and by others, that the word "sum" gives rise to a great deal of trouble in Eastern Ontario, where rock-cutting has frequently to be resorted to. It is impossible for an engineer before the surface of the rock is exposed, to know its extent, and the cost of its removal, and it often occurs, that the cost of the work is more than the aggregate of the sums provided in the award to be paid for it.

The suggestion is made that there should be some way found to overcome this difficulty.

One way suggested is that a provision should be made, whereby the award could be amended after the deficiency is ascertained.

Another suggestion is that instead of the award providing for a sum of money against each party liable, a percentage of the cost be placed in the award against those liable.

Gavin Hamilton, Perth, said: "In cases of rock cutting the engineer should have power to provide by a second award any deficit in his first award, and if his estimate is for too much, then give him power to grant a rebate."

D. R. Brown, C. E., Cornwall, said: "The provision as to rock cutting is not sufficient. There should be power given to the engineer in making his award if he

assesses too little for rock cutting to re-assess, and if he assesses too much he should have power to pay back the surplus."

Section 9.—(1) "If it appears to the engineer, that the owner or occupier of any tract of land is not sufficiently interested in the opening up of the ditch or drain to make him liable to perform any part thereof, and at the same time that it is necessary for the other parties that the ditch or drain shall be continued across the tract, he may award the same to be done at the expense of the other parties, and after the award the other parties may open the ditch or drain across the tract at their own expense without being trespassers, but causing no unnecessary damage and replacing fences opened or removed by them."

This section provides for having work done on the lands of an owner or occupant where the land will not be benefited by the work.

It does not appear in any other part of the Act that an occupant is to be considered.

Appeal from Engineer's Award.

Sections 11 and 12 contain provisions for an appeal against the award of the engineer.

A great deal of evidence has been given in regard to the party to whom the appeal should be made.

Some witnesses object to the appeal going to the county judge and complain of delays and want of uniformity in the decisions.

Some favor the appeal being as now to the county judge.

Some favor an appeal to the township council.

Others favor an appeal to the referee.

James MacFarlane, Chatham, said: "The referee ought to hear and decide appeals in cases under Ditches and Watercourses Act."

John Duck, Ridgetown, said: "With all due deference to county judges, I am satisfied it is a mistake having them try cases under The Ditches and Watercourses Act. I am satisfied there are a great many men in the township that could go over these matters and adjust them better than the county judge. I would not have an appeal from the award to the judge."

William Fraser, London, said: "I would take the power out of the judge's hands and give it to some person who knows something about drains, some individual who knows something of drains, either farmer or engineer. The engineer will do."

A. P. McDougall, London, said: "I would be in favor of having no appeal from the court of revision to the county judge, and would substitute for the county judge the referee, so as to secure uniformity of decisions, both under The Ditches and Watercourses Act and Municipal Drainage Act."

Charles Jones, C. E., London, said: "There is too great a difference of opinion amongst county court judges on the legal grounds taken against the awards of engineers. I would approve of the referee taking the place of the county judge so as to secure uniformity of decisions."

Benjamin Richardson, Alvinston, said: "No appeal should be given from the engineer's assessment, the repairs would be in the same way as for construction. If parties want to pay in one year then let them pay, and if they want longer give it to them. No by-law is necessary. Assessment should extend to limit of benefit."

James Anderson, Woodstock, said: "We have only had one appeal before the county judge. Our county council petitioned the government to take the power away from the county judge. The council should be substituted for the county judge."

R. W. Parker, Woodstock, said: "I agree with the evidence of Mr. Anderson."

Alexander Farlinger, Iroquois, said: "I would suggest that the government appoint an efficient engineer for districts as inspector whose decision will be final, with power to go over the work, taking levels, etc."

Andrew Allison, Chesterville, said: "County judges should have nothing to do with it. The township council should be the final court of appeal, but if not, then the appeal should be to the referee."

E. S. Gregory, Chesterville, said: "In appeals under award the evidence generally is shut out. The court of revision, I think, should be substituted for the county judge under The Ditches and Watercourses Act, and their decision should be final. I think the people should, through their representatives, be able to do justice to all parties."

Gavin Hamilton, Perth, said: "The township council should have power to appoint a commission to which appeals from an engineer's award shall be made. It might better be made by the county council."

George Robinson, Leamington, said: "In case of an appeal I believe it would be better to have the appeal before the council instead of the county judge. It would be simpler, cheaper and the results would be better, and let that be final."

A. Baird, Leamington, said: "The appeal should be to the township council. They have a better idea of the land and of the wants of the people, and, I think, they can judge better whether the award is correct or not; their decision to be final."

John Richardson, Harrow, said: "I would rather have the appeal to the judge than the court of revision. The question about the difficulty of getting decisions from the judge is a close one. The first case the judge tried here involved a pair of trucks, and they have rotted down and he has never given his decision yet. I would favor a clause in the Act requiring the judge to give his decision within fourteen days; having the decisions delayed, might result in preventing important work being done in the fall and throwing it over until next year."

Huron County Council, Clinton, said: "We consider that councils should not be responsible for the work of an engineer under Ditches and Watercourses Act, and that the judge should be empowered to refer back the award to the engineer for amendment on lines laid down by the judge."

"And that the ultimate appeal in all cases of drainage as between townships should be to the referee."

Mr. Torrence, Warden of Huron, says: "That under The Ditches and Watercourses Act after the time for appeal from the award, on a party neglecting to do the work awarded to him on his own land, the engineer let the work and the council proposes placing the amount on the roll as provided. The party in default forbids the council doing so."

Mr. Torrence suggests that, after the time for appeal against the award, the county judge or junior county judge should not have the power to interfere in the working out of the award, or with any costs or assessments arising from the carrying out of the work under the award.

An objection to an appeal to the council would be, that the council may be a party to the award, and besides it is evidently the intention of the Act that the council should have no other responsibility than as a party to the award.

An appeal to the referee would scarcely do, as it is not likely that one man would have sufficient time at his disposal to hear all appeals under The Ditches and Watercourses Act, in addition to those arising under The Municipal Act.

The opinion of the commission is that the appeal should still be to the county judge.

It would conduce to the better preparation of the county judge for the hearing of the case, if, instead of his merely receiving a notice of the appeal from the division court clerk, he has sent to him a copy of the award (or the award itself) and the plans and profile, if any, and the gronnds of appeal in advance of the trial.

He should be required to give his decision within a limited time.

The council should only be interested as a party to the award, and if the award is set aside, the judge should be empowered to deal with all the expenses connected with the work up to that time, as well as with the costs of trial. All parties interested in the drain, as shown by the award, should, on an application to set aside the award, appear in the proceedings either as appellants or respondents.

C. D. CASLEMAN, Chesterville, said: "The township council should draw on the general funds and pay the fees of the engineer if award is set aside."

E. S. GREGORY, Chesterville, said: "I agree with Mr. Casleman."

D. R. BROWN, C. E., Cornwall, said: "Engineer's fees should be secured in all cases."

GAVIN HAMILTON, Perth, said: "The party engaging an engineer should pay for his services in case the award is set aside."

A. BAIRD, C. E., Leamington, said: "After an award is made by the engineer and is afterwards set aside by any illegal proceedings other than those of the engineer, then the engineer and clerk should be paid their costs, but if the fault is the engineer's then he should lose his costs; if the engineer does his work illegally, does not conform with the Act, then he should pay the costs, but I say if he carries out the meaning of the Act then he should not; it should come out of the council."

Section 13 apparently relates to the rock cutting referred to in sub-section 2 of section 9, and provides for payment for that kind of work. From its position it is doubtful as to whether it relates to work under section 16.

Sections 15, 16, 17 and 18 relate to inspection of the work, and to the letting of work in default, and payment therefor.

JONAS GOSNELL, Chatham, said: "From the time the notice is given, to the time the drain is completed, should be the shortest possible time, so as to have the parties do the work and have the drain in running order in as short a time as possible."

ALEXANDER FARLINGER, Iroquois, said: "Engineer's award drain of the past was not finished in time to be of service, and not until parts of the ditch made under the award were either filled up with the garbage or grown up with weeds, etc."

JOHN BRAY, Amherstburg, said: "The Drainage Act might give them power to extend the time of payment, I would extend the time of payment. As it is now it must be paid in one year. In a great many cases the work can be done more economically with less drain on the person doing it and a great deal less friction in the working of the thing. An estimate in money as well as in work would be an advantage."

Section 18.—(1) "The council shall at their meeting next after the filing of the certificate or certificates mentioned in section 16, pay to the engineer his additional fees therein mentioned, and forthwith thereafter may pay to any person the amount which, according to such certificate, he is entitled to receive for any work mentioned in section 16, and thereafter the council shall, unless the amount or amounts named in the certificate or certificates, including such additional fees,

are forthwith paid by the respective parties declared in the certificate or certificates to be liable to pay the same, cause the amount or amounts and fees to be added to the collector's roll, together with seven per cent. added thereto, and the same shall thereupon become a charge against the lands of the party or parties so liable, and shall be collected in the same manner as other municipal taxes, and when collected shall be paid over to any person entitled thereto."

The words in the fourth line of the section "may pay to any person" conflict with the words "and when collected shall be paid over to any person entitled thereto."

In the one case it is contemplated that the contractor be paid on the production of the engineer's certificate, and in the last words we have an implication that he is not to be paid until the money is collected.

Provision should be made for payment to the contractor in this case as is done in section 13 (for rock cutting), when the work is done.

Mr. TORRENCE, the Warden of the county of Huron, instanced a case in which an owner made default in doing the work assigned to him under an award, and the work was let and completed under contract and paid for, and the owner in default forbade the council to place the amount upon the roll against his lands, and he, Mr. Torrence, suggested, that no appeal should be allowed to the county judge against this action of the council.

Sections 21, 22, 23 and 24, deal with a case in which an open drain is made under an award, and an owner afterwards wishes to convert the portion through his lands into a covered drain.

It is provided that this may be done under the consent of the engineer of the municipality.

Provision is made for an inspection before and after it is done.

The engineer's duties are to determine the size and capacity of the proposed covered portion, and the nature of the material to be used therein. His duties should be extended to laying out the depth and grade to be given, seeing to the covering of the underdrain, providing for catch basins and an improved outlet and any other work required to make the drain efficient, and if necessary to seeing the tile laid before being covered.

REPAIRS.

Section 4, sub-sections 4, 5, 6, 7, 8 and 9, relate to the repairing of a drain made under this Act.

It is provided, 1st, that if any owner whose duty it is to keep in repair any portion of such ditch or drain neglects to do so, he may be compelled to do so (or to pay for the repair) by any of the owners liable for maintaining any portion.

It would appear from this, that before any owner can move to enforce repairs, he must himself be liable to repair some portion of the drain, and that an owner under section 9 or any owner not liable for repairs, could not move to compel repairs to be made.

Many awards have been made, whether rightly or wrongly, where parties have been awarded work, and have not been awarded any of the maintenance. It would appear that such could not enforce repairs, and it might be important to them to have the repairs made.

It should be made so that any one interested in the drain could move to have repairs made.

An owner moving for repairs notifies the party liable, who then has thirty days in which to do the work.

If the work is not done in thirty days the owner moving applies to the council to have the repairs carried out, and a month or more may intervene between the lapse of the thirty days and the meeting of the council at which the application will be considered.

The council then orders an examination by the engineer or inspector, who has about a month wherein to report to the council. Then the council (which may not meet till long after the examination), if the complaint is well founded, will order the work to be let.

It is not clear that the council, which may or may not be a party to the award, should be placed in any other position than that of a party to the award, as the other owners are.

And it is claimed that too much time is consumed in the preliminaries, and that it would be better to have the law framed so that after the thirty days have elapsed, the owner wishing the repairs made could call on the engineer or inspector to have the repairs done without reference to the council.

The commission recommends this, and that the engineer or inspector have power to extend the time and stake out the work, take levels and charge his costs to the work.

The appeal provided for in sub-section 9 should not be allowed, as this should be taken into consideration in the reconsideration of the award provided for in sub-section 4 of the amendments to section 5, of 1889, but which reconsideration should be allowed in a shorter time than three years.

Amendments of 1889.

Section 5, (1), (2), (3), provide for enlarging a drain when made under this Act, when it is found to be of insufficient size.

These provisions are made inoperative in any case where water has to be dealt with other than was dealt with in the original award or agreement, as the words "does not carry off the water it was originally intended to carry off," limit the provisions to work on a drain that fails to do the work intended.

These words should be dropped, as in nearly every case where an enlargement is required it is owing to other water having been brought in than was intended to be carried by the drain.

Damages.

All parties interested in the drain should be responsible for damages caused by it.

J. F. Lister, Q. C., Sarnia, said: "Injury caused by the Ditches and Watercourses Act should be remedied."

James McCardick, Forest, said: "Actual damage by water should be made good by the parties to the drain."

Changing an Award into a Municipal Drain.

A drain constructed under the Ditches and Watercourses Act should at any time be converted into a municipal drain upon a petition being presented to the council from a majority of the owners affected, as shown in the award or awards covering the drain, and all proceedings under the award or awards should be stayed pending action by the council on the petition.

George Kersea, Woodstock, said: "I have a private drain leading through my property, made at the expense of myself excepting $4 contributed by the

reeve of Blenheim out of county appropriation for roads and bridges of county. Then the adjoining municipality of Blandford have constructed drains from their township leading into it, and without paying anything for it. I wish to make them responsible for sending down water and depriving me of the capacity of the drain which I have made for my own use. I would like to have the privilege of making my drain a municipal drain, and so enabling the township of Blenheim to assess Blandford for its proper proportion for the making and repairing of the drain made by me."

C. D. CASLEMAN, Chesterville, said: "It should be made clear in the Act whether a by-law supersedes the award or otherwise."

This Act should be recast, and its enactments and forms made to harmonise, keeping in view its use as an auxiliary to the drainage provisions of the Municipal Act and as not applying to works of great magnitude which would more appropriately come under the latter Act.

THE TILE, STONE AND TIMBER DRAINAGE ACT.

JOHN VESTER, Councillor of Harwich, says: "We have passed one or two by-laws under the Tile Drainage Act and have heard no complaints about the working of the Act. I have no suggestions to make regarding the Government aid that is given, and have not heard any complaints as to the terms of payment. The terms of payment should be left optional with the party wanting the money. There should not be any time limit. It would not be well to make it much less than five years. You can easily understand that if I were borrowing money to construct a tile drain, that if I could see my way clear to paying for it I would like that privilege. Five years would be as short a time as it would be well to issue them."

CORNELIUS PURSER, Reeve of Dover, says: "We use the Tile Drainage Act but have not passed a general by-law in connection with it. We do not borrow money for the purpose of tile draining."

JOHN REYCRAFT, four years Reeve of Orford, says: "We have had in operation for several years a by-law for borrowing money under the Tile Drainage Act, and it gives general satisfaction. If it does not give satisfaction it is because the inspector is careless, but I think it is taken advantage of in a good many cases. I could not suggest any improvement to the Act. I would give any parties borrowing money under this Act their own time to pay it back. I would give them 20 years or less according to what they want."

ROBERT WILKIE, ex-Councillor of Harwich, says: "The township of Harwich has a by-law under the Tile Drainage Act, and there are no improvements that I could suggest to that Act. I do not know any reason why debentures under this Act should not be issued for 5, 10, or 15 years, as well as 20. If there is any reason for making it 20 years I do not know it."

GEORGE MACDONALD, Reeve of Howard, says: "We have a by-law of the township under the Tile Drainage Act. It works all right—they say the interest is a little too high. It is a good idea to get drainage that way."

JAMES SERSON, Harwich, says: "From my personal experience of the Tile Drainage Act I think the law is working well where the Act is worked right."

J. W. BROWN, Reeve of the Township of Sarnia, says: "We have a by-law under the Tile Drainage Act. The only difficulty we had with that was that when we passed a by-law it cost us $34, and the question came up as to who should pay these costs. The majority ruled that those who got the money under the Act should pay these costs, and so much should be kept out of each $100. I went for paying it out of the general funds because when a man earns $100 he expects it."

R. J. McCormick, Warden of Lambton, says: "Our township has a by-law for borrowing money for tile drainage. If we were to get the money at a little cheaper rate of interest it would not hurt. If we could get it down to three per cent. I would like it very much."

Hector Macfarlane, Clerk of Ekfrid since 1850, except five years when he was Reeve, says: "We have had some experience with the Tile Drainage Act. We have a by-law authorizing the borrowing of $7,000, and I think we have borrowed $3,600 now. Parties borrowing the money don't like to be at much expense. We appoint inspectors to inspect the drains and it costs very little, but if we have to register each and every by-law that would add more expense. I think the fee for registering them should be made less. If $3 was charged to a man getting $100 it would stop borrowers altogether. We do not allow the clerk anything for his services under this Act."

James Leslie, Reeve of Harwich, says: "In the Tile Drainage Act the payment yearly should be reduced from $7.36 to $6. There would be many more persons borrow money for tile draining if this were done."

Thomas Stedman, ex-Reeve of Enniskillen, says: "We have a Tile Drainage by-law for $5,000. Quite a number of people take advantage of it and borrow money, and the applicants are increasing. The Act gives good satisfaction."

Albin Rawlings, ex-Warden of Lambton, says: "The Tile Drainage Act is a good one. Many people are now taking advantage of its provisions who could well afford to do the tiling themselves, but they prefer to borrow the money under this Act. Some persons have increased the yield of their land by borrowing money under this Act and tile draining, so as to make the principal borrowed and the interest in two years. It pays me 25 per cent. by under-draining. No money invested will pay as well as that spent in under-draining land."

James McCardick, ex-Reeve of Bosanquet, says: "I borrowed $100 under the Tile Drainage Act and I got $98. The other $2 paid the expenses of the inspector. The Act furnishes the cheapest way to borrow money, and to every farmer it is a good investment."

W. G. Willoughby, Clerk of Moore, says: "In the Tile Drainage Aid Act a scale of payments should be made to allow of the repayment of a loan in ten years, as several consider a loan running over twenty years a trifle long."

James Orchard, Alvinston, says: "The Tile Drainage Act is a good one for farmers. I have borrowed money and put in tile drains, and I know the great advantage of it. More farmers should avail themselves of the privilege the Act confers."

Henry Hardy, Reeve of Caradoc, says: "Our township has borrowed $4,000 or $5,000, and I have heard no complaints from any of the borrowers. The Act gives general satisfaction."

Edward Morris, ex-Reeve of Pelham, says: "Our drains are all under-drains. There should be a catch-basin at the upper end of every covered drain when there is an open portion of drain above. We have no trouble putting in tile in any kind of soil. Where there is a quicksand we place slabs under the tile and cover the tile with tan bark. The tile used is the ordinary kind and without collars. Some of our under-drains have been down for thirteen years, and are still good and work well. In clay soil we put straw over the tile and then fill in the clay; but in very stiff or hard clay the straw should be brought well up to the surface of the land on each side of the excavation before filling in the earth, so as to make breaks or seams in the clay for the water to flow down to the tile. As a covering for the tile turf, moss or sawdust will answer about as well as tan bark. If a tenant during his lease puts in tile

drains at his own expense the owner of the land should provide the tile or pay a proportion of the cost or value to the farm of the tile drainage."

THOMAS HAINES, ex-Reeve of Moore, says: "The Tile Drainage Act is the greatest boon conferred on farmers by any Government. More funds should, if possible, be set apart for this purpose. The advancing of money at a low rate of interest for under-draining land is the greatest privilege any legislature has ever extended to the farming community. Those who have availed themselves of the privilege are perfectly satisfied with the result. If the Government would appropriate double the amount to a municipality it would be very much appreciated. There might be a limit of $300 to one hundred acres of land with the right to the council to reduce it to $200 if they saw fit. Double the appropriation if possible, so that each municipality could get $20,000 instead of $10,000 as now. The people in our township have used up our allowance and are clamoring for more. They had just got nicely into the draining when the limit of $10,000 was reached."

The above extracts from the evidence taken by the Commission represent the general experience of those, in the counties visited, who have availed themselves of the privilege of borrowing money from the Government for tile draining. There seems to be a widespread misunderstanding of the provisions of this Act, not only on the part of the people generally, but also by municipal councils. Assume that a farmer borrows $100 for tile draining under the Act he pays back the principal and interest in instalments of $7.36 each year for twenty years. When his last payment is made he has paid in all twenty times $7.36, or a total of $147.20. Separating the principal and interest, it is clear that he has paid back the principal sum of $100, and for interest the balance of $47.20, or an average of $2.36 each year. Some persons in giving their testimony thought that the rate of interest paid would be about 7 per cent. This view is wholly erroneous. Suppose a farmer borrowed the same sum of money—namely, $100, on a straight loan at 4 per cent. a year for twenty years, and with the privilege of paying each year on account of principal the sum of $5. At the end of the first year, if he exercised the right of paying the $5 of principal, he would pay $9, or $5 principal and $4 interest; the next year he would pay $5 principal and $3.80 interest, and so on for twenty years. The payment of principal each year would remain the same, while the interest would decrease each year twenty cents. At the end of the twenty years he would have paid in all $142, or $100 principal and $42 interest, or an average of $2.10 each year. In the same way if he paid 5 per cent. instead of 4 he would pay $100 principal and $52.50 interest, or an average of $2.62 each year. In both cases he makes the largest payment first—$9 in the case of 4 per cent. and $10 in the other. Under the Act the payments are uniform from first to last, and as a consequence, more favorable to the borrower. It will be evident from the foregoing that the rate of interest charged is practically 4 per cent.

It is, however, claimed that there is a charge of $2 made by the inspector for seeing that the tile is laid on the lands described by the applicant. The same complaint could be urged with at least three-fold force if the money were borrowed on mortgage security. The drawing of the mortgage, the registration thereof, and the drawing and registering of the discharge, would cost at the very least $6, to say nothing of the searching of the title of land offered as security. It might be in the interest of the general ratepayers of a municipality, if its council would consider the increased value given to land by tile draining, and as a result its increase in assessment and tax-paying liability to the general funds of the municipality for many years, and relieve the borrowers from all charges for inspection and otherwise by paying them out of its general funds. If this

reasoning be sound—and we submit it is, then it would be in the interest of the municipality as well as the borrower to take advantage of the Act to the fullest extent—in other words, it would be a mutual advantage. The gain to the municipality does not end here. Where under-drains are substituted for open drains the surface water is carried off more gradually, and as a necessary result the main drains are not so liable to be surcharged with water and to overflow and damage lands and crops.

Robert Wilkie, ex-Councillor of Harwich and a thrifty farmer, is of opinion that lands that are tile-drained should not be assessed at all for the construction or repairs of a main drain. He gives his reason and says: "I don't think that under-drained land should be assessed at all, because the water that would be discharged in twenty-four hours from a surface drain would take as many days to discharge in an under-drain. Land that is properly under-drained is just in the nature of a sponge—no water flows off it. It is dry and ready to absorb all that flows on it and discharge it through the course of time. I never saw a tile running full in my life."

Other witnesses gave testimony to the same effect.

This Act wherever brought into operation works well and gives general satisfaction, and therefore the Commission is relieved from recommending any changes.

All of which is most respectfully submitted.

JOHN B. RANKIN,
WILLIAM G. McGEORGE,
ARCHIBALD McINTYRE,
ROBERT LAMARSH.
} Commissioners.

No. 33.

Copy of an Order in Council commuting the fees payable to His Honour Judge Baxter, under the Surrogate Courts Act. Presented to the Legislature, 5th April, 1893. (*Not printed.*)

No. 34.

Copy of an Order in Council respecting the payment of Surrogate Court fees to His Honour, Judge Mosgrove. Presented to the Legislature, 5th April, 1893. (*Not printed.*)

No. 35.

Statement as to the disposal of the Revised Statutes for the year 1892. Presented to the Legislature, 5th April, 1893. (*Not printed.*)

No. 36.

Statement as to the disposal of the Sessional Statutes for the year 1892. Presented to the Legislature, 5th April, 1893. (*Not printed.*)

No. 37.

Report of the Librarian on the state of the Library. Presented to the Legislature, 6th April, 1893. (*Not printed.*)

TWENTY-THIRD ANNUAL REPORT

OF THE

INSPECTOR OF PRISONS AND PUBLIC CHARITIES

UPON THE

HOSPITALS

OF THE

PROVINCE OF ONTARIO,

BEING FOR THE YEAR ENDING 30TH SEPTEMBER,

1892.

PRINTED BY ORDER OF THE LEGISLATIVE ASSEMBLY.

TORONTO:
PRINTED BY WARWICK & SONS, 68 AND 70 FRONT STREET WEST.
1893.

Office of the
Inspector of Prisons and Public Charities, Ontario,
Parliament Buildings, Toronto, December, 1892.

Sir,—I have the honor to transmit herewith, to be presented to his Honor the Lieutenant-Governor, the Twenty-third Annual Report upon the Hospitals, for the official year ending on the 30th September, 1892.

I have the honor to be, Sir,
Your most obedient servant,

T. F. CHAMBERLAIN,
Inspector.

The Honorable
J. M. Gibson, M.P.P.,
Secretary of the Province of Ontario,
Toronto.

HOSPITALS.

TWENTY-THIRD ANNUAL REPORT

OF THE

INSPECTOR OF PRISONS AND PUBLIC CHARITIES.

FOR THE

PROVINCE OF ONTARIO.

PARLIAMENT BUILDINGS,
Toronto, December, 1892.

To the Honorable GEORGE AIREY KIRKPATRICK, *Lieutenant-Governor of the Province of Ontario.*

MAY IT PLEASE YOUR HONOR:—

I beg to submit herewith the Twenty-third Annual Report upon the Hospitals of Ontario, being for the official year ending on 30th September, 1892.

I have the honor to be,
Your Honor's most obedient servant,
T. F. CHAMBERLAIN,
Inspector.

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HOSPITALS.

There have been two new hospitals added to the list this year, namely :

St. Joseph's Hospital, Chatham. The General Hospital, Stratford, and they will be entitled to receive grants under the Charity Aid Act.

The total number of hospitals now receiving aid from the Province is twenty-nine, and there are several others in operation and in course of erection at different points throughout the Province which will, no doubt, make application for provincial aid.

Owing to the liberality of the Government in contributing towards the maintenance of such institutions there is a growing tendency to multiply their number. I approve of this disposition on the part of the citizens of towns and cities where there exists a necessity for hospital accommodation ; but considering the large and increasing amount thus contributed yearly by the Government, it becomes worthy of consideration whether the Government ought not to assume greater powers than it has hitherto exercised as to the necessity for increased hospital accommodation in any locality before a new enterprise is undertaken, and require in every case where provincial aid is expected that the details thereof shall be submitted for the approval of the Inspector.

The amount of the legislative grant is increasing yearly :

In 1890 it was	$73,723 96
" 1891 "	89,002 50
And this year	99,341 79

The average this year amounts to 30.93 per cent. of the whole cost of maintenance of these institutions.

Table No. VIII shows the daily cost per patient for maintenance in each hospital, the following Table No. IX. shows the comparative cost per patient daily for the last 10 years, and in table No. X will be seen the proportion in each case which is paid by the Government. This ranges from 60.23 per cent. down to 7.27 per cent. There can be no question, having reference to the above figures, as to these institutions being most liberally supported by the Government, and this should be a strong incentive to the inhabitants of a locality where a hospital is situated to give it their generous support. It will be seen from the statements

following that in the last year the number of persons treated in the hospitals of the Province has greatly increased from year to year, the ratio of increase being far greater than the increase of our population.

The following comparative statement shews the numbers treated in all the hospitals in each of the past fifteen years, with the increase or decrease in each successive year as the case may be:

		Increase.	Decrease..
1878	4,372	295	..
1879	4,612	240	..
1880	5,302	690	..
1881	5,257	...	45
1882	6,032	775	..
1883	6,238	206	..
1884	6,369	131	..
1885	6,617	248	..
1886	7,035	418	..
1887	7,522	487	..
1888	8,292	770	..
1889	8,561	269	..
1890	9,187	626	..
1891	10,523	1,336	..
1892	11,404	881	..

It will be noticed by those who take an interest in the working of our hospitals that the statistics show a very material increase (881) over the number of patients under treatment in 1891, which is a further proof that the people of Ontario fully appreciate the efficiency and usefulness of our hospitals.

It will also be noticed in Table I. that the deaths number 71 over that of 1891, but when the increased number of patients is taken into account the death rate in our hospitals is exceedingly small, 15.04 per cent. being a shade lower than even that of 1891, which had reached the minimum of former years.

Tables VI. and VII. shew the manner in which the amounts the Legislature will be asked to vote as grants to the hospitals are made up. The following statement is a summary of the totals of these tables, and shews the sums which will be asked for each hospital, as well as the total:

General Hospital, Toronto	$24,067 84
Homœopathic Hospital, Toronto	2,903 48
Hospital for Sick Children, Toronto	7,266 00
City Hospital, Hamilton	6,429 47
St. Joseph's Hospital, Hamilton	2,360 70
General Hospital, Kingston	5,887 26

Hotel Dieu Hospital, Kingston	$3,909 79
General Protestant Hospital, Ottawa	5,043 52
Roman Catholic Hospital, Ottawa	5,464 68
House of Mercy Lying-in Hospital, Ottawa	2,126 79
General Hospital, London	5,325 23
St. Joseph's Hospital, London	1,409 30
General and Marine Hospital, St. Catharines	1,846 58
Galt, Hospital, Galt	1,175 27
General Hospital, Guelph	2,957 58
St. Joseph's Hospital, Guelph	2,739 99
General Hospital, Pembroke	1,430 54
General Hospital, Mattawa	1,869 66
J. H. Stratford Hospital, Brantford	2,322 82
St. Joseph's Hospital, Port Arthur	1,134 89
Belleville Hospital, Belleville	1,761 42
St. Vincent de Paul Hospital, Brockville	1,818 27
The Brockville General Hospital, Brockville	1,256 06
General and Marine Hospital, Collingwood	512 82
Nichol's Hospital, Peterborough	2,087 66
St. Joseph's Hospital, Peterborough	844 54
The Hotel Dieu Hospital, Windsor	1,137 68
St. Joseph's Hospital, Chatham	1,218 30
General Hospital, Stratford	1,033 65
Total	$99,341 79

The amount asked for in 1891 was $89,002.50, or $10,339.29 less than the above.

In Tables VIII., IX. and X. will be found details of the cost of maintaining the various hospitals. The daily cost per inmate in 1892 was 79.31 cents per day.

The proportion of the Government grant to the total maintenance expenditure, as shewn in Table X., decreased from 32.10 per cent. in 1891 to 30.93 per cent. in 1892.

The Tables numbered I. to X. will be found in the following pages, and following them are the separate reports upon each of the hospitals which give full information as to the movements of patients, the sanitary and other conditions of our respective institutions.

TABLE I.—Shewing general movements of Patients in each Hospital separately.

Hospitals.	Number remaining under treatment on 1st October, 1891.	Number admitted during the year ending 30th September, 1892.	Number of births in Hospital during the year.	Total number under treatment during the year ending 30th September, 1892.	Number discharged during the year.	Number who died during the year.	Number remaining under treatment on 30th September, 1892.
General Hospital, Toronto (including the Burnside Lying-in Branch, and the Andrew Mercer Eye and Ear Infirmary Branch)	231	2,725	119	3,075	2,632	215	228
Homœopathic Hospital, Toronto	29	249	30	308	261	12	35
Hospital for Sick Children, Toronto	65	318	.....	383	303	18	62
City Hospital, Hamilton	56	649	29	734	626	43	65
St. Joseph's Hospital, Hamilton	17	206	.....	223	195	9	19
General Hospital, Kingston	59	683	47	789	683	50	56
Hotel Dieu Hospital, Kingston	30	408	.....	438	385	24	29
General Protestant Hospital, Ottawa	44	398	.....	442	353	46	43
Roman Catholic Hospital, Ottawa	52	671	.....	723	616	51	56
House of Mercy Lying-in Hospital, Ottawa	25	166	159	350	321	8	21
General Hospital, London	44	471	26	541	455	41	45
St. Joseph's Hospital, London	17	122	.....	139	113	7	19
General and Marine Hospital, St. Catharines	16	182	11	209	170	16	23
Galt Hospital, Galt	12	143	1	156	136	8	12
General Hospital, Guelph	29	443	9	481	407	41	33
St. Joseph's Hospital, Guelph	26	338	.....	364	329	16	19
General Hospital, Pembroke	9	156	.....	165	144	7	14
General Hospital, Mattawa	22	235	.....	257	230	13	14
J. H. Stratford Hospital, Brantford	30	256	6	292	238	22	32
St. Joseph's Hospital, Port Arthur	9	156	.....	165	125	20	20
Belleville Hospital, Belleville	15	177	.....	192	174	12	6
St. Vincent De Paul Hospital, Brockville	12	108	.....	120	98	11	11
The Brockville General Hospital, Brockville	16	153	2	171	144	11	16
General and Marine Hospital, Collingwood	3	48	1	52	38	7	7
Nichol's Hospital, Peterborough	14	174	.....	188	151	16	21
St. Joseph's Hospital, Peterborough	10	100	.....	110	85	11	14
Hotel Dieu Hospital, Windsor	12	128	.....	140	117	5	18
St. Joseph's Hospital, Chatham	11	103	.....	114	82	10	22
General Hospital, Stratford	10	73	.....	83	70	8	5
Total, 1892	925	10,039	440	11,404	9,681	758	965
Total, 1891	800	9,243	480	10,523	8,921	687	905

TABLE II.—Shewing Sex, Religious Denominations and Nationalities of Patients under treatment in the various Hospitals.

Hospitals.	Sex.		Religious Denominations.			Nationalities.					
	Male.	Female.	Protestants of all denominations.	Roman Catholics.	Unknown.	Canadian.	English.	Irish.	Scotch.	United States.	Other Countries.
General Hospital, Toronto	1,742	1,333	2,515	520	40	1,475	779	443	149	104	125
Homœopathic Hospital, Toronto	111	197	264	44	.....	170	70	42	16	9	1
Hospital for Sick Children, Toronto	195	188	337	44	2	321	41	7	5	6	3
City Hospital, Hamilton	388	346	590	138	6	358	184	97	47	26	22
St. Joseph's Hospital, Hamilton	107	116	88	134	1	96	46	60	12	.....	9
General Hospital, Kingston	406	383	701	88	.....	491	107	125	39	14	10
Hotel Dieu, Kingston	206	232	85	353	.....	338	20	72	7	1	.....
General Protestant Hospital, Ottawa	244	198	378	35	29	268	76	56	17	4	21
Roman Catholic Hospital, Ottawa	315	408	20	700	3	568	11	82	10	20	32
House of Mercy Lying-in Hospital, Ottawa	82	268	114	236	.....	143	54	106	32	4	11
General Hospital, London	284	257	480	50	11	278	135	61	27	21	19
St. Joseph's Hospital, London	46	93	52	87	.. ...	89	11	31	3	4	1
General and Marine Hospital, St. Catharines	126	83	154	54	1	102	37	38	8	10	14
Galt Hospital, Galt	68	88	137	17	2	96	15	12	14	7	12
General Hospital, Guelph	226	255	453	27	1	350	72	13	30	6	10
St. Joseph's Hospital, Guelph	132	232	73	291	.....	232	10	87	5	8	22
General Hospital, Pembroke	80	85	21	144	.....	107	13	32	2	.....	11
General Hospital, Mattawa	226	31	35	222	.....	172	14	45	19	.....	7
J. H. Stratford Hospital, Brantford	156	136	245	47	.....	167	63	32	10	14	6
St. Joseph's Hospital, Port Arthur	145	20	81	74	10	54	13	15	6	.....	77
Belleville Hospital, Belleville	103	89	150	42	.....	119	24	31	12	2	4
St. Vincent de Paul Hospital, Brockville	45	75	59	61	.....	79	11	18	3	6	3
The Brockville General Hospital, Brockville	73	98	166	3	2	105	12	19	19	9	6
General and Marine Hospital, Collingwood	25	27	47	5	.....	31	10	1	4	5	1
Nichols' Hospital, Peterborough	94	94	185	.....	3	114	38	18	7	1	10
St. John's Hospital, Peterborough	56	54	12	98	.....	47	2	46	2	3	10
Hotel Dieu Hospital, Windsor	68	72	57	83	.....	73	14	19	2	20	12
St. Joseph's Hospital, Chatham	63	51	68	46	.....	74	10	17	5	5	3
General Hospital, Stratford	43	40	72	11	.....	42	20	4	9	5	3
Total, 1892	5,855	5,549	7,639	3,654	111	6,563	1,912	1,629	521	314	465
Total, 1891	5,788	4,735	6,874	3,511	117	5,527	1,873	1,714	566	255	414

TABLE No. III.

Detailed Analysis of the Diseases or Ailments for which Patients Received Treatment for the Year ending 30th September, 1892.

Disease.	M.	F.	Total.
Alimentary Canal.			
Cancer of Stomach	3	..	3
Cancrum Oris	..	2	2
Colic	7	6	13
Constipation	10	26	36
Dysentery	21	28	49
Diarrhœa	29	34	63
Dyspepsia	96	105	201
Enteritis	9	9	18
Fissure-in-ano	..	1	1
Fistula-in-ano	28	9	37
Gastrodynia	4	3	7
Gastritis	28	64	92
Glossitis	1	..	1
Hæmmorrhoids	23	21	44
Hœmatemesis	3	4	7
Impacted Colon	..	2	2
Intestinal Worms	4	4	8
Intestinal Obstruction	..	2	2
Intestinal Tuberculosis	2	..	2
Œsophagus (diseases of)	4	3	7
Pharyngitis	14	14	28
Prolapsus Ani	..	2	2
Peritonitis	17	30	47
Quinsy	4	12	16
Ranula	1	..	1
Rectal Stricture	1	..	1
Rectal Polypus	..	2	2
Stomatitis	2	11	13
Tonsillitis	51	87	138
Typhlitic Abscess	1	..	1
Typhlitis	16	10	26
Ulceration of Rectum	..	1	1
Ulceration of Stomach	7	29	36
	386	521	907
Brain and Nervous System.			
Aphasia	3	..	3
Apoplexy	23	8	31
Chorea	10	23	33
Catalepsy	1	..	1
Cerebral and Spinal Irritation	1	1	2
Concussion of Brain	14	8	22
" Spine	2	1	3
Compression of Brain	7	..	7
" Spine	..	4	4
Delirium Tremens	50	1	51
Epilepsy	35	43	78
Hemiplegia	17	8	25
Hypochondriasis	1	..	1
Hysteria	9	83	92
Inflammation of Brain	7	..	7
Insolation	5	..	5
Insomnia	8	14	22
Insanity	18	30	48
Locomotor Ataxia	17	2	19
Lumbago	2	..	2
Meningitis	2	1	3
Myelitis	2	3	5
Neurasthenia	19	21	40
Neuralgia	24	47	71
Neuritis (Multiple)	3	..	3
Neuroma	6	1	7
Paralysis, General	21	17	38
Paralysis, Landry's	1	..	1
do Diphtheretic	1	..	1
do Infantile	1	..	1
Paraplegia	20	7	27
Progressive Musc Atrophy	1	..	1
Paralysis Agitans	12	2	14
Softening of Brain	6	4	10
Shock	1	..	1
Spina Bifida	..	1	1
Sciatica	27	23	50
Spinal Curvature	22	26	48
Tubercular Meningitis	3	2	5
Tetanus	..	..	..
Tumor of Brain	1	..	1
	403	381	784
Bones and Joints.			
Anchylosis	4	..	4
Arthritis	25	11	36
Caries	89	38	127
Exostosis	2	2	4
Harmarthritis	1	..	1
Necrosis	54	20	74
Osteo Arthritis	1	..	1
Ostitis	7	6	13
Osteo Myelitis	2	1	3
Periostitis	11	7	18
Resection of Femur	1	..	1
Rickets	6	6	12
Synovetis	26	14	40
Spinal Injuries	4	..	4
Tubercle of Joints	10	9	19
Ostroma	1	..	1
Hip-joint Disease	50	28	78
	294	142	436
Circulation.			
Angina Pectoris	2	..	2
Aneurisms	10	2	12
Atheroma Vessels	..	1	1
Cyanosis	..	..	..
Disease of Aortic Valves	9	2	11
" Mitral Valves	25	29	54
" Tricuspid Valves	3	..	3
" Pulmonary Artery	..	1	1
" Valves (not specified)	1	7	8
Endocarditis	7	9	16
Heart, Dilation of	17	4	21
" Hypertrophy	6	8	14
" Degeneration	2	1	3
Irritability	3	2	5
Pericarditis	4	5	9
Phelebitis	3	7	10
Phlegmasia Dolens	1	4	5
Varicose Veins	21	22	43
Senile of Sangrene	2	..	2
	116	104	220

TABLE No. III.—*Continued.*

Disease.	M.	F.	Total.
Dislocations.			
Ankle	7	2	9
Bones of the Hand	2	2	4
do Foot	8	2	10
Clavical	3	1	4
Elbow	7	2	9
Femur	6	2	8
Humerus	5	..	5
Knee	3	4	7
Lower Maxilla	..	..	..
Patella	2	..	2
Wrist	1	5	6
	44	20	64
Ear.			
Cophosis	1	3	4
Otorrhæa	2	7	9
Otitis Media	11	11	22
Otalgia	..	2	2
Polypus	..	2	2
	14	25	39
Eye.			
Abscess of Eyelids	1	..	1
Amarosis	2	2	4
Atrophy of Optic Nerve	4	1	5
Amblyophia	2	1	3
Astigmatism	1	1	2
Conjunctivitis	13	2	15
Cancer of Eyeball	1	2	3
Chemosie	1	..	1
Chalazion	..	1	1
Cataract	40	53	93
Degeneration of Choroid	2	..	2
do Cornea (Calcareous)	2	..	2
Detached Retina	2	..	2
Dacryo-Cystitis	..	1	1
Entropion	1	3	4
Ectropion	3	3	6
Epiphora	..	2	2
Foreign Body in the Eye	1	..	1
Glaucoma	2	3	5
Hypopyon	1	..	1
Iritis	23	13	36
Indectomy	2	.	2
Injury to Eyeball	..	1	1
Keratitis	20	7	27
Leucoma	2	5	7
Ophthalmia	23	20	43
" Catarrhal	6	9	15
" Purulent	1	2	3
" Granular	22	20	42
" Gonorrhœal	2	1	3
Prolapse of Iris	2	..	2
Pterygium	4	1	5
Phlyctaina	..	4	4
Retinitis	1	2	3
Sclerotitis	2	..	2
Staphyloma	1	..	1
Synechia (Anterior)	1	..	1
Strabismus	7	6	13
Trichiasis Ciliorum	..	1	1
Ulcer of Cornea	11	10	21
Wound of "	1	..	1
	210	177	387

Disease.	M.	F.	Total.
Fractures.			
Bones of the Head and Face	23	6	29
do Hand	15	5	20
do Foot	34	7	41
do Pelvis	5	1	6
Clavical	12	5	17
Femur	22	8	30
Fibula	28	8	36
Humerus	14	6	20
Patella	..	4	4
Ribs	28	2	30
Radius	10	5	15
Scapula	4	..	4
Sternum	..	..	..
Tibia	35	4	39
Ulna	4	1	5
Vertibra	1	..	1
Upper Extremity (bones not specified)	22	3	25
Lower Extremity (bones not specified)	61	6	67
Ununited Fractures	5	..	5
	323	71	394
Liver.			
Abscess of Liver	8	2	10
Acute Autrophy of Liver	3	2	5
Cancer	1	..	1
Cirrhosis	17	2	19
Congestion	1	1	2
Fatty Liver	2	1	3
Gall Stones	4	3	7
Hepatitis	8	11	19
Hydatds of Liver	1	..	1
Jaundice	9	13	22
Pylephlebitis	..	1	1
Waxy Liver	3	..	3
	57	36	93
Nose and Face.			
Catarrh	12	34	46
Epulis	2	6	8
Epistaxis	1	3	4
Lipoma	1	2	3
Obstruction of Nasal Duct	..	1	1
Polypus	5	5	10
	21	51	72
Poisons.			
Gases	..	.	..
Irritant	2	5	7
Lead Poisoning	8	.	8
Narcotic	1	1	2
Narcoto-Irritant	..	1	1
Poison Ivy	1	..	1
	12	7	19
Respiratory Organs.			
Asthma	46	31	77
Bronchitis, Acute	96	100	196
do Chronic	70	34	104
do Capillary	..	1	1
Croup	4	4	8
Emphysema of Lung	14	7	21
Empyema	13	5	18

TABLE No III.—*Continued.*

Disease.	M.	F.	Total.
Hæmoptysis	4	1	5
Hydrothorax	2	1	3
Laryngitis, Acute	1	2	3
do Tubercular	1	2	3
Pneumonia	118	80	198
do Pleuro	16	13	29
do Typho	9	6	15
do Broncho	17	18	35
Oedema of Lungs	2	1	3
Pleurisy	37	31	68
Phthisis, Tubercular, etc	161	109	270
Pleurodynia	4	1	5
Tuberculosis. See also Phthisis.	30	34	64
	645	481	1,126
Spleen.			
Splenitis	4	.	4
Waxy Spleen	..	3	3
	4	3	7
Skin.			
Acne	2	8	10
Boils	8	8	16
Burns and Scalds	34	31	65
Cicatrices	3	1	4
Chilblains	1	2	3
Carbuncle	12	4	16
Corns and Bunions	2	2	4
Dermatitis exfoliativa	1	..	1
Eczema	75	57	132
Erythema	3	5	8
Frost Bites	20	2	22
Herpes	2	1	3
Hyperidrosis	.	1	1
Impetigo	3	..	3
Intertrigo	..	2	2
Ingrowing Nail	..	1	1
Lupus	3	4	7
Lichen	2	1	3
Onychia	1	2	3
Pruritus	.	1	1
Pediculi	1	1	2
Pityriasis	3	..	3
Psoriasis	7	5	12
Roseola	2	..	2
Rupia	..	..	..
Ringworm	2	3	5
Scabies	8	8	16
Sycosis	1	..	1
Urticaria	..	4	4
Whitlow	..	5	5
	196	159	355
Genits—Urinary Organs.			
Atony of Bladder	1	..	1
Bright's Disease, Acute	25	13	38
" Chronic	33	16	49
Balanitis	.	.	..
Bubo	16	1	17
Carcinoma of Kidney	..	2	2
Cystitis	55	33	88
Cystocele	..	2	2
Condyloma	2	..	2
Caruncle Unthras	..	1	1
Diabetes Mellitus	9	9	18
" Insipidus	.	..	..
Enlarged Prostrate	23	..	23
Extravasation of Urine	2	..	2
Erididdymitis	11	..	11
Floating Kidney	1	4	5

Disease.	M.	F.	Total.
Genits—Urinary Organs.—Continued.			
Foreign body in Bladder	1	..	1
Gonorrhœa	46	22	68
Gleet	4	..	4
Gravel	1	..	1
Hydrocele	11	..	11
Hæmatocele	..	..	..
Incontinence of Urine	11	8	19
Nephralgia	..	1	1
Onanism	1	2	3
Orchitis (acute)	18	..	18
Orchitis (Tuberculos)	8	..	8
Pyelitis	3	1	4
Phymosis	10	..	10
Paraphymoris	1	..	1
Pyemia	..	1	1
Retention of Urine	14	6	20
Sarcoma of Testicle	1	..	1
Supurative Nephritis	7	3	10
Scarlatinal "	1	..	1
Stricture	40	..	40
Urethritis simple	2	..	2
Uræmia	1	3	4
Urinary Calculus	13	3	16
Urethral Tumor	..	1	1
Varicocele	8	1	9
	380	133	513
Women.			
Amenorrhœa	..	12	12
Abscess (Pelvis)	..	10	10
Abortion	..	14	14
Breast, Cancer of	..	4	4
Cervix Uteri	..	82	82
" Amputation of	..	2	2
Dysmenorrhœa	..	18	18
Eclampsia	..	6	6
Erosion of Os Uteri	..	29	29
Ectopic Gestation	..	4	4
Fistula, Recto-Vaginal	..	9	9
" Vesico-Vaginal	..	2	2
Leucorrhœa	..	4	4
Laparotomy (Esploratory)	..	1	1
Meritis and Endometritis	..	59	59
Menorrhagia	..	30	30
Metrorrhagia	..	2	2
Mastitis	..	2	2
Ovarian Disease (incl'g Tumors)	..	133	133
Os Uteri, Stenosis of	..	1	1
Parturition	..	318	318
Parametritis	..	1	1
Pelvic Peritonitis	..	13	13
Perineum, Laceration of	..	26	26
Premature Labour	..	13	13
Retained Placenta	.	1	1
Salpingitis	..	9	9
Uterus, Anteversion of	..	29	29
" Retroversion of	..	14	14
" Anteflection of	..	7	7
" Retroflection of	..	8	8
" Disease not specified	..	8	8
" Inversion of	..	2	2
" Laceration of	..	1	1
Uterus, Prolapsus of	..	29	29
" Subinvolution of	..	1	1
Vaginitis	..	6	6
Vaginismus	..	1	1

TABLE No. III.—*Concluded.*

Disease.	M.	F.	Total.
Women.—Continued.			
Vulvitis	..	1	1
Vagina, Atresia of	..	1	1
" Wound of	..	1	1
Womb, Polypus of	..	11	11
" Fribroid of	..	30	30
" Cancer of	..	21	21
			986
Zymotic and General.			
Anæmia	8	124	132
" Pernicious	2	3	5
Anasarca	2	..	2
Chancroid	6	3	9
Chicken Pox	..	2	2
Cholera, Asiatic	..	..	..
" Morbus	3	4	7
" Infantum	2	1	3
Chlorosis	..	12	12
Diphtheria	166	224	390
Dropsy	31	20	51
Erysipelas	36	34	70
Febricule	2	1	3
Fever, Intermittent	26	27	53
" Remittent	9	14	23
" Scarlet	27	53	80
" Pernicious	..	..	..
" Typho Malarial	27	40	67
" Typhoid	538	308	846
" Typhus	..	..	..
" Cerebro-Spinal	2	..	2
" Puerperal	..	4	4
" Continued	1	4	5
Gout	5	..	5
Hyperarmia	1	..	1
Influenza	176	126	302
Leucocythemia	..	..	..
Measles	24	48	72
Mumps	4	3	7
Pyæmia, Septicæmia	16	7	23
Purpura	..	2	2
Rheumatism, Acute	148	84	232
" Chronic	103	52	155
" Gonorrhœal	14	1	15
" not specified	..	4	4
Small Pox	2	1	3
Scrofula	14	9	23
Syphilis, Primary	24	16	40
" Secondary	34	44	78
Syphilis, Tertiary	13	10	23
" Hereditary	4	8	12
Vaccination	..	2	2
Whooping Cough	2	6	8
	1,472	1,301	2,773
Miscellaneous, not otherwise classed.			
Abscess, General	78	53	131
" Psoas	7	1	8
" of Breast	..	20	20
Alcoholism	146	24	170
Amputations	81	16	97
Cancer, Epithelial	31	30	61
" Adenoid	1	2	3
Encephaloid	3	6	9
" Schirrus	7	7	14
" Melanotic	2	1	3
Cancer, not specified	28	24	52
Contusions	64	30	94

Disease.	M.	F.	Total.
Miscellaneous.—Continued.			
Adenitis	1	1	2
Atrophy of Leg	1	..	1
Addison's Disease	1	1	2
Bed-sores	..	1	1
Bursitis	3	5	8
Bromism	..	1	1
Contracted Tendons	2	2	4
Contractured "	2	1	3
Cleft Palate	..	4	4
Cold	3	..	3
Glands (Tubercular)	3	1	4
Hare Lip	3	4	7
Hydrophobia	1	..	1
Lymphangitis	2	..	2
Malformations	1	1	2
Marasmus	..	2	2
Malingering	1	3	4
Malignant Disease(not spc'fied)	2	3	4
Opium Habit	1	1	2
Old age	2	1	3
Ruptured Tendo Achillis	2	..	2
Tuberculosis (acute general)	3	3	6
Torticollis	4	..	4
Tonguetie	..	1	1
Tracheotomy	1	1	2
Trephining	..	1	1
Unclassified	..	9	9
Cellulitis	17	6	23
Coxalgia	..	..	..
Debility	109	138	247
Goitre	5	7	12
Gangrene	19	4	23
Gunshot wounds	32	3	35
Hernia	36	19	55
Injuries not otherwise classed	155	46	201
Sprains	44	20	64
Tumors—Fibriod	5	19	24
" Fatty	7	8	15
" Cartilaginous	3	..	3
" Cystic	7	24	31
" Other (Including Sarcoma)	28	41	69
Tetanus	2	..	2
Talipes	26	9	35
Ulcers	136	111	247
	1,117	716	1,833
Recapitulation.			
Alimentary Canal	386	521	907
Brain and Nervous	403	381	784
Bones and Joints	294	142	436
Circulation	116	104	220
Dislocations	44	20	64
Ear	14	25	39
Eye	210	177	387
Fractures	323	71	394
Liver	57	36	93
Nose and Face	21	51	72
Poisons	12	7	19
Respiratory Organs	645	481	1,126
Spleen	4	3	7
Skin	196	159	355
Genito—Urinary	380	133	513
Women	...	986	986
Zymotic and General	1,472	1,301	2,773
Miscellaneous	1,117	716	1,833
Total	5,694	5,314	11,008

TABLE IV.—Shewing the collective stay in days of the adult and infant patients; also, the average length of time each patient was under treatment.

Names of Hospitals.	Number of patients, including infants born.	Collective stay of infants under one year of age.	Collective stay of adult patients.	Total collective stay of adults and infants.	Average stay of each patient, including the infants.
General Hospital, Toronto	3,075	1,890	83,877	85,767	28
Homœpathic Hospital, Toronto	308	876	10,379	11,255	37
Hospital for Sick Children, Toronto	383	.....	24,220	24,220	63
City Hospital, Hamilton	734	.....	22,728	22,728	31
St. Josephs' Hospital, Hamilton	223	.....	7,869	7,869	35
General Hospital, Kingston	789	940	21,869	22,809	27
Hotel Dieu Hospital, Kingston	438	.....	12,786	12,786	31
General Protestant Hospital, Ottawa	442	.....	17,514	17,514	39
Roman Catholic Hospital, Ottawa	723	.....	18,753	18,753	25
House of Mercy Lying-in Hospital, Ottawa	350	740	11,365	12,105	32
General Hospital, London	541	418	18,693	19,111	35
St. Joseph's Hospital, London	139	.....	4,828	4,828	34
General and Marine Hospital, St. Catharines	209	214	6,465	6,679	31
Galt Hospital, Galt	156	.....	4,064	4,064	26
General Hospital, Guelph	481	283	10,889	11,172	22
St. Joseph's Hospital, Guelph	364	.....	10,572	10,572	29
General Hospital, Pembroke	165	.....	4,839	4,839	29
General Hospital, Mattawa	257	.....	6,629	6,629	26
J. H. Stratford Hospital, Brantford	292	112	7,962	8,074	27
St. Joseph's Hospital, Port Arthur	165	37	4,471	4,508	27
Belleville Hospital, Belleville	192	53	5,922	5,975	25
St. Vincent De Paul Hospital, Brockville	120	.....	4,337	4,337	38
The Brockville General Hospital, Brockville	171	45	6,422	6,467	37
General and Marine Hospital, Collingwood	52	.....	1,760	1,760	33
Nichols' Hospital, Peterborough	188	.....	7,149	7,149	38
St. Joseph's Hospital, Peterborough	110	.....	2,970	2,970	27
Hotel Dieu Hospital, Windsor	140	15	3,895	3,910	28
St. Joseph's Hospital, Chatham	114	.....	4,061	4,061	35
General Hospital, Stratford	83	.....	3,480	3,480	41
Total, 1892	11,404	5,623	350,768	356,391	31
Total, 1891	10,523	7,854	319,656	327,510	31

TABLE V.—Shewing the deductions which have to be made from the collective stay of the patients for the protracted residence of incurable and lying-in cases. For persons coming within these classes only seven cents per day are allowed.

Names of Hospitals.	Collective days' stay, exclusive of infants under one year of age.	Deduct for incurables and lying-in cases, for which only Refuge rate is to be allowed.	Number of days' stay for which Hospital allowance is to be made.
General Hospital, Toronto	83,877	4,762	79,115
Homœopathic Hospital, Toronto	10,379	914	9,465
Hospital for Sick Children, Toronto	24,220		24,220
City Hospital, Hamilton	22,728	1,691	21,037
St. Joseph's Hospital, Hamilton	7,869		7,869
General Hospital, Kingston	21,869	2,928	18,941
Hotel Dieu Hospital, Kingston	12,786	1,057	12,786
General Protestant Hospital, Ottawa	17,514	916	16,598
Roman Catholic Hospital, Ottawa	18,753	642	18,111
House of Mercy Lying-in Hospital, Ottawa	11,365	5,577	5,788
General Hospital, London	18,693	1,229	17,464
St. Joseph's Hospital, London	4,828	170	4,658
General and Marine Hospital, St. Catharines	6,465	404	6,061
Galt Hospital, Galt	4,064	191	3,873
General Hospital, Guelph	10,889	1,344	9,545
St. Joseph's Hospital, Guelph	10,572	301	10,272
General Hospital, Pembroke	4,839	92	4,747
General Hospital, Mattawa	6,629		6,629
J. H. Stratford Hospital, Brantford	7,962	286	7,676
St. Joseph's Hospital, Port Arthur	4,471	37	4,434
Belleville Hospital, Belleville	5,922	66	5,856
St. Vincent De Paul Hospital, Brockville	4,337	471	5,951
The Brockville General Hospital, Brockville	6,422		4,337
General and Marine Hospital, Collingwood	1,760	66	1,694
Nichols' Hospital, Peterborough	7,149	248	6,901
St. Joseph's Hospital, Peterborough	2,970	202	2,768
The Hotel Dieu Hospital, Windsor	3,895	134	3,761
St. Joseph's Hospital, Chatham	4,061		4,061
General Hospital, Stratford	3,480	45	3,435
Total, 1892	350,768	23,773	328,053
Total, 1891	319,656	26,156	293,500

TABLE VI.—Relative to Income of Hospitals.

Names of Hospitals.	Amounts received from municipalities as a grant and for patients' maintenance.	Amount received from patients for board.	Amount received as income from property or investments belonging to Hospitals.	Subscriptions and donations of private individuals and incidental receipts.	Total receipts from all sources other than the Government grant.	One-fourth of such receipts.	Amount of the 10 cents per day additional grant.
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
General Hospital, Toronto	17,888 80	17,667 80	18,701 32	7,937 47	62,195 39	15,548 85	7,911 50
Homœopathic Hospital, Toronto	3,419 60	1,823 15	.....	2,320 54	7,593 29	1,898 32	916 50
Hospital for Sick Children, Toronto	5,046 40	1,159 47	85 00	21,590 32	27,881 19	6,970 29	2,422 00
City Hospital, Hamilton	14,785 97	2,741 82	.....	.....	17,527 79	4,381 95	2,103 70
St. Joseph's Hospital, Hamilton	6 00	1,495 00	680 00	1,050 17	3,231 17	807 79	786 90
General Hospital, Kingston	1,850 00	3,271 61	703 08	2,063 50	7,888 19	1,972 05	1,894 10
Hotel Dieu Hospital, Kingston	.....	1,185 38	309 43	14,454 29	15,949 10	3,987 27	1,278 60
General Protestant Hospital, Ottawa	1,570 00	1,783 69	6,807 10	4,690 51	14,851 30	3,712 82	1,659 80
Roman Catholic Hospital, Ottawa	1,050 00	2,535 49	185 00	3,419 67	7,190 16	1,797 54	1,797 54
House of Mercy Lying in-Hospital, Ottawa	.....	1,104 50	98 80	4,964 08	6,167 38	1,541 84	578 80
General Hospital, London	8,573 73	3,569 34	454 72	.....	12,597 79	3,149 45	1,746 40
St. Joseph's Hospital, London	.....	1,701 73	.....	11,954 12	13,655 85	3,413 96	465 80
General and Marine Hospital, St. Catharines	1,400 00	725 40	41 89	820 60	2,987 89	746 97	606 10
Galt Hospital, Galt	2,000 00	1,991 29	.....	1,119 12	5,110 41	1,277 60	387 30
General Hospital, Guelph	2,000 00	3,006 83	.....	2,776 57	7,783 40	1,945 85	954 50
St. Joseph's Hospital, Guelph	900 00	898 75	340 60	518 78	2,658 13	664 53	664 52
General Hospital, Pembroke	290 00	784 38	.....	1,059 03	2,133 41	533 35	474 70
General Hospital, Mattawa	.....	962 73	.....	1,212 71	2,175 44	543 86	543 86
J. H. Stratford Hospital, Brantford	2,500 00	1,709 11	.....	73 44	4,282 55	1,070 64	767 60
St. Joseph's Hospital, Port Arthur	400 00	492 00	.....	90 00	982 00	245 50	245 50
Belleville Hospital, Belleville	509 00	1,210 50	.....	1,640 89	3,360 39	840 09	585 60
St. Vincent De Paul Hospital, Brockville	260 00	955 35	.....	339 30	1,554 65	388 66	388 66
The Brockville General Hospital, Brockville	200 00	2,249 09	305 00	1,969 47	4,723 56	1,180 89	595 10
General and Marine Hospital, Collingwood	355 00	228 60	.....	832 44	1,416 04	354 01	169 40
Nichols Hospital, Peterborough	1,000 00	1,504 00	4,232 71	333 75	7,070 46	1,767 61	690 10
St. Joseph's Hospital, Peterborough	.....	382 00	.....	957 20	1,339 20	334 80	276 80
The Hotel Dieu Hospital, Windsor	509 53	1,549 94	.....	3,055 87	5,115 34	1,278 83	376 10
St. Joseph's Hospital, Chatham	130 00	887 00	.....	1,295 00	2,312 00	578 00	406 10
General Hospital, Stratford	800 00	1,950 13	.....	1,463 94	4,214 07	1,053 51	343 50
Total 1892	67,474 03	61,526 08	32,944 65	94,002 78	255,947 54	63,986 83	32,067 08
Total 1891	63,961 54	52,849 13	23,598 94	71,743 24	212,152 85	53,038 17	29,350 00

TABLE VII.—Shewing the basis upon which Statutory Aid is granted.

Names of Hospitals.	Collective days' stay upon which allowance at Hospital rates is based.	Collective days' stay upon which allowance at Refuge rates is based.	Fixed allowance at 20 cents per day.	Supplementary allowance of one-fourth of amount received from all sources other than Government.	Supplementary allowance at 10 cents per day.	Allowance of 7 cents per day, being Refuge rate for improper cases for Hospital treatment.	Total Government allowance to each Hospital for the year 1892.
			$ c.	$ c.	$ c.	$ c.	$ c.
General Hospital, Toronto	79,115	4,762	15,823 00		7,911 50	333 34	24,067 84
Homœopathic Hospital, Toronto	9,465	914	1,893 00		946 50	63 98	2,903 48
Hospital for Sick Children, Toronto	24,220		4,844 00		2,422 00		7,266 00
City Hospital, Hamilton	21,037	1,691	4,207 40		2,103 70	118 37	6,429 47
St. Joseph's Hospital, Hamilton	7,869		1,573 80		786 90		2,360 70
General Hospital, Kingston	18,941	2,928	3,788 20		1,894 10	204 96	5,887 26
Hotel Dieu Hospital, Kingston	12,786	1,057	2,557 20		1,278 60	73 99	3,909 79
General Protestant Hospital, Ottawa	16,598	916	3,319 60		1,659 80	64 12	5,043 52
Roman Catholic Hospital, Ottawa	18,111	612	3,622 20	1,797 54		44 94	5,464 68
House of Mercy Lying-in Hospital, Ottawa	5,788	5,577	1,157 60		578 80	390 39	2,126 79
General Hospital, London	17,464	1,229	3,492 80		1,746 40	86 03	5,325 23
St. Joseph's Hospital, London	4,658	170	931 60		465 80	11 90	1,409 30
General and Marine Hospital, St. Catharines	6,061	404	1,212 20		606 10	28 28	1,846 58
Galt Hospital, Galt	3,873	191	774 60		387 30	13 37	1,175 27
General Hospital, Guelph	9,545	1,341	1,909 00		954 50	94 08	2,957 58
St. Joseph's Hospital, Guelph	10,272	301	2,054 40	664 52		21 07	2,739 99
General Hospital, Pembroke	4,747	92	949 40		474 70	6 44	1,430 54
General Hospital, Mattawa	6,629		1,325 80	543 86			1,869 66
J. H. Stratford Hospital, Brantford	7,676	286	1,535 20		767 60	20 02	2,322 82
St. Joseph's Hospital, Port Arthur	4,434	37	886 80	245 50		2 59	1,134 89
Belleville Hospital, Belleville	5,856	66	1,171 20		585 60	4 62	1,761 42
St. Vincent De Paul Hospital, Brockville	5,951	471	1,190 20		595 10	32 97	1,818 27
The Brockville General Hospital, Brockville	4,337		867 40	388 66			1,256 06
General and Marine Hospital, Collingwood	1,691	66	338 80		169 40	4 62	512 82
Nichols Hospital, Peterborough	6,901	218	1,380 20		690 10	17 36	2,087 66
St. Joseph's Hospital, Peterborough	2,768	202	553 60		276 80	14 14	844 54
The Hotel Dieu Hospital, Windsor	3,761	131	752 20		376 10	9 38	1,137 68
St. Joseph's Hospital, Chatham	4,061		812 20		406 10		1,218 30
General Hospital, Stratford	3,435	45	687 00		343 50	3 15	1,033 65
Total 1892	328,053	23,773	65,610 60	3,640 08	28,427 00	1,664 11	99,341 79
Total 1891	293,500	29,710	58,700 00	2,085 14	26,386 30	1,831 06	89,002 50

TABLE VIII.—Shewing the cost of maintaining the Hospitals, also, the average daily cost per patient, etc.

NAMES OF HOSPITALS.	Total days' stay (excluding infants under one year of age.	Cost of dietaries.	Salaries, fuel, light, medicines, bedding, and all other expenditures on maintenance account.	Total expenditures for maintenance.	Average cost of each patient per day.
		$ c.	$ c.	$ c.	cents.
General Hospital, Toronto	83,877	26,935 14	44,509 76	71,444 90	85 15
Homœopathic Hospital, Toronto	10,379	3,694 64	6,097 12	9,791 76	94.34
Hospital for Sick Children, Toronto	24,220	4,278 49	29,439 65	33,718 14	$1 39.21
City Hospital, Hamilton	22,728	7,733 25	13,419 09	21,152 34	93.06
St. Joseph's Hospital, Hamilton	7,869	1,602 03	1,837 27	3,439 30	43.70
General Hospital, Kingston	21,869	4,217 24	8,766 91	12,984 15	59.37
Hotel Dieu Hospital, Kingston	12,786	2,652 97	3,273 27	5,926 24	46.34
General Protestant Hospital, Ottawa	17,514	2,790 16	9,724 88	12,515 04	71.45
Roman Catholic Hospital, Ottawa	18,753	5,174 33	6,980 36	12,154 69	64 81
House of Mercy Lying-in Hospital, Ottawa	11,365	2,565 85	2,297 34	4,863 19	42.79
General Hospital, London	18,693	4,694 31	12,978 25	17,672 56	94.54
St. Joseph's Hospital, London	4,828	792 17	457 13	1,249 30	25.87
General and Marine Hospital, St. Catharines	6,465	1,632 59	2,808 94	4,441 53	68.70
Galt Hospital, Galt	4,064	1,019 15	3,322 51	4,341 66	$1 06.83
General Hospital, Guelph	10,889	2,148 85	6,840 74	8,989 59	82 55
St. Joseph's Hospital, Guelph	10,572	2,243 06	2,767 19	5,010 25	47.43
General Hospital, Pembroke	4,839	1,256 53	1,761 53	3.018 06	62.37
General Hospital, Mattawa	6,629	1,796 45	1,744 18	3,540 63	53.42
J. H. Stratford Hospital, Brantford	7,962	1,676 86	3,277 55	4,948 41	62.15
St. Joseph's Hospital, Port Arthur	4,471	1,052 00	1,397 89	2,449 89	54.80
Belleville Hospital, Belleville	5,922	1,305 99	3,183 73	4,489 72	75.81
St. Vincent de Paul Hospital, Brockville	4,337	1,050 72	1,117 33	2,168 05	49.98
The Brockville General Hospital, Brockville	6,422	1,700 17	2,767 44	4,467 61	69.56
General and Marine Hospital, Collingwood	1,760	406 36	1,109 24	1,515 60	86.11
Nichols' Hospital, Peterborough	7,149	2,117 05	7,541 36	9,658 41	$1 35.10
St. Joseph's Hospital, Peterborough	2,970	874 25	2,353 75	3.228 00	$1 08.69
The Hotel Dieu Hospital, Windsor	3,895	1,182 58	2,650 47	3,833 05	98 40
St. Joseph's Hospital, Chatham	4,061	632 76	1,339 66	1,972 42	48.56
General Hospital, Stratford	3,480	831 20	2,384 42	3,215 62	92.40
Total, 1892	350,768	90,051 15	188,148 96	278,200 11	79 31
Total, 1891	319,656	85,135 23	155,063 97	240,199 20	75 11

TABLE IX.—Shewing the comparative cost per patient daily in the different Hospitals for a period of years.

HOSPITALS.	1883.	1884.	1885.	1886.	1887.	1888.	1889.	1890.	1891.	1892.
	c.	c.	c.	c.	c.	c.	c.	c.	c.	c.
General Hospital, Toronto	70.46	76.64	85.71	77.71	73.24	84.35	85.00	78.98	81.07	85.15
Homœopathic Hospital, Toronto	....	.....	.....	.....	....	.....	.....	99.70	71.85	94.34
Hospital for Sick Children, Toronto	.....	.....	.....	.....	.....	.....	.....	.....	79.82	$1 39.21
City Hospital, Hamilton	.....	61.77	59.22	62.70	66.00	68.55	66.13	74.21	94.27	93.06
St. Joseph's Hospital, Hamilton	... .	.....	.....	.....	.....	.....	.....	.....	67.33	43.70
General Hospital, Kingston	49.04	51.11	53.00	48.09	56.42	64.06	58.79	53.66	62.03	59 37
Hotel Dieu Hospital, Kingston	57.35	58.95	45.54	54.85	44.10	49.98	44.55	48 83	50.63	46.34
General Protestant Hospital, Ottawa	53.82	47.66	47.80	49.67	62.00	53.11	59.34	73.02	58.50	71.45
Roman Catholic Hospital, Ottawa	.....	55 91	52.94	41 09	46.12	49.40	56.79	46.60	68.57	64.81
House of Mercy Lying-in Hospital, Ottawa	45.57	54.13	47.17	39.58	32.81	28.84	49.29	50.48	47.82	42.79
General Hospital, London	58.61	74.38	62.72	67.83	73.96	59.61	94.95	88.29	88.51	94.54
St. Joseph's Hospital, London	.....	.....	.....	.....	.....	.....	.....	.....	38.69	25 87
General and Marine Hospital, St. Catharines	71.36	65.99	81.85	60.07	63.43	69.38	67.12	81.06	79.32	68.70
Galt Hospital, Galt	.....	.....	.....	.....	.....	.....	.....	.....	$2 07.74	$1 06.83
General Hospital, Guelph	68.60	72.53	64.41	90.87	66.40	63.04	68.41	77.69	73 92	82.55
St. Joseph's Hospital, Guelph	62.78	51.62	57.05	49.02	52.34	48.52	41.66	43.57	55.35	47.43
General Hospital, Pembroke	79.05	79.79	65.63	77.67	67.75	85.57	58.46	67.00	60.98	62.37
General Hospital, Mattawa	69.25	67.79	68.88	94.39	56.98	72.81	64.10	77.90	69.20	53.42
J. H. Stratford Hospital, Brantford	.....	.....	$1 23.00	71.51	58.17	68.25	52.38	59.78	70.37	62.15
St. Joseph's Hospital, Port Arthur	.....	.....	47.06	55.12	64.17	47.80	49.53	60.00	45.61	54.80
Belleville Hospital, Belleville	.....	.....	.....	....	44.12	74.96	$1 05.00	85.70	79.82	75.81
St. Vincent de Paul Hospital, Brockville	.....	... .	.....	.....	.....	.....	34.29	28.23	50.77	49.98
The Brockville General Hospital, Brockville	.....	.....	.....	.....	.....	.....	$1 32.00	97.46	66.65	69.56
General and Marine Hospital, Collingwood	.....	.....	.....	.....	....	.....	.....	$1 01.00	$1 24.29	86.11
Nichols' Hospital, Peterborough	.....	.....	.....	.....	.....	.....	.....	$2 11.00	$1 34.22	$1 35.10
St. Joseph's Hospital, Peterborough	.....	.....	.....	... .	.....	.....	... .	.....	69.71	$1 08.69
The Hotel Dieu Hospital, Windsor	.....	.....	....	....	.....	.....	.....	.....	$1 65.37	98.40
St. Joseph's Hospital, Chatham	.....	.....	.....	.....	.....	.....	.....	.....	....	18.56
General Hospital, Stratford	.....	.....	.....	....	.....	.....	.....	....	.....	92.40
Totals	62.35	65.10	66.23	63.68	62.99	68.45	69.37	71.27	75.14	79.31

TABLE X.—Shewing proportion of maintenance of Hospitals paid by Government.

Names of Hospitals.	Revenue on maintenance account exclusive of government grant.	Government grant in aid of maintenance.	Total revenue for maintenance.	Total expenditure for maintenance.	Percentage of government grant to total expenditure for maintenance.
	$ c.	$ c.	$ c.	$ c.	cents.
General Hospital, Toronto	62,195 39	24,525 43	86,720 82	71,444 90	34.32
Homœopathic Hospital, Toronto	7,593 29	2,870 42	10,453 71	9,791 76	29.21
Hospital for Sick Children, Toronto	27,881 19	4,515 60	32,396 79	33,718 14	13.39
City Hospital, Hamilton	17,527 79	6,182 20	23,709 99	21,152 34	29.22
St. Joseph's Hospital, Hamilton	3,231 17	744 30	3,975 47	3,439 30	21.64
General Hospital, Kingston	7,888 19	5,115 09	13,003 28	12,984 15	39.39
Hotel Dieu Hospital, Kingston	15,949 10	3,569 54	19,518 64	5,926 24	60.23
General Protestant Hospital, Ottawa	14,851 30	4,263 19	19,114 49	12,515 04	34.06
Roman Catholic Hospital, Ottawa	7,190 16	5,312 58	12,502 74	12,154 69	42.45
House of Mercy Lying-in Hospital, Ottawa	6,167 38	1,118 94	7,286 32	4,863 19	23.00
General Hospital, London	12,597 79	5,261 77	17,859 56	17,672 56	29.77
St. Joseph's Hospital, London	13,655 85	671 33	14,327 18	1,249 30	52.13
General and Marine Hospital, St. Catharines	2,987 89	1,498 54	4,486 43	4,441 53	33.73
Galt Hospital, Galt	5,110 41	248 40	5,358 81	4,341 66	5.72
General Hospital, Guelph	7,783 40	3,497 88	11,281 28	8,989 59	38.91
St. Joseph's Hospital, Guelph	2,658 13	2,531 26	5,189 39	5,010 25	50.52
General Hospital, Pembroke	2,133 41	1,398 30	3,531 71	3,018 06	46.33
General Hospital, Mattawa	2,175 44	1,298 70	3,474 14	3,540 63	36.37
J. H. Stratford Hospital, Brantford	4,282 55	2,039 02	6,321 57	4,948 41	41.20
St. Joseph's Hospital, Port Arthur	982 00	1,129 21	2,111 21	2,449 89	46.09
Belleville Hospital, Belleville	3,360 39	782 06	4,142 45	4,489 72	17.41
St. Vincent de Paul Hospital, Brockville	1,554 65	846 91	2,401 56	2,168 05	39.06
The Brockville General Hospital, Brockville	4,723 56	1,515 74	6,239 30	4,467 61	33.97
General and Marine Hospital, Collingwood	1,416 04	186 85	1,602 89	1,515 60	12.33
Nichol's Hospital, Peterborough	7,070 46	702 34	7,772 80	9,658 41	7.27
St. Joseph's Hospital, Peterborough	1,339 20	1,566 30	2,905 50	3,228 00	48.52
The Hotel Dieu Hospital, Windsor	5,115 34	1,066 20	6,181 54	3,833 05	27.81
St. Joseph's Hospital, Chatham	2,312 00	.....	2,312 00	1,972 42	.....
General Hospital, Stratford	4,214 07	.....	4,214 07	3,215 62	.....
Total, 1892	255,947 54	84,448 10	340,395 64	278,200 11	30.93
Total, 1891	208,152 85	77,309 75	289,462 60	240,199 20	32.10

SEPARATE REPORTS AND INSPECTIONS.

GENERAL HOSPITAL, TORONTO.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment in all departments of the Hospital, 1st October, 1891	231	
Admitted	2,725	
Births in the Hospital	119	
Total number under treatment		3,075
Discharges, including infants	2,632	
Died	215	
Under treatment, 30th September, 1892	228	
		3,075

Of the 3,075 patients treated during the year, 145 males and 99 females were inmates of the Andrew Mercer Eye and Ear Infirmary, and 263 in the Burnside Lying-in branch. The latter number includes 69 male and 194 female children born in the Institution.

Places Received From.

From the City of Toronto (including 119 infants born)	2,389	
From the County of York	106	
From other counties in the Province	566	
From United States	11	
From other countries, including immigrants	3	
		3,075

Sex.

Male	1,742	
Female	1,333	
		3,075

Nationalities.

Canadian	1,475	
English	779	
Irish	443	
Scotch	149	
United States	104	
Other countries	125	
		3,075

The following table gives a summary of certain diseases treated in the Toronto General Hospital during the year:

	No. of cases treated.	
Typhoid Fever	1,310	
Typhus "	....	
Puerperal "	1	
Cerebro Spinal Fever	....	
Diphtheria	73	
Smallpox	2	
	——	

Religious Denominations.

Protestant	2,515	
Roman Catholic	520	
Other religions, or not known	40	
	——	3,075

Revenue.

From the Province of Ontario	$24,525 43
From the City of Toronto, in payment of patients' maintenance	17,315 60
From the County of York, in payment of patients' maintenance	360 80
From other municipalities of the Province	212 40
From paying patients themselves	17,667 80
Income from property belonging to Hospital Trust	18,701 32
Subscriptions, donations and bequests of private individuals	3,317 67
From all other sources not above enumerated	4,619 80
Total	$86,720 82

Expenditures.

Butchers' meat	$10,776 00
Butter	2,052 03
Eggs	886 21
Flour, bread and meal	2,880 87
Milk	4,419 56
Tea and coffee	1,246 90
Potatoes and other vegetables	2,120 50
Groceries and provisions, not enumerated	2,553 07
Drugs and medicines	4,520 71
Medical and surgical appliances	3,162 97
Surgical instruments	28 95
Beer, wine and spirits	929 77
Bedding, napery and general house furnishing	3,469 99
Brooms, brushes, mops, soap and cleaning appliances	539 58
Fuel	6,111 92
Light—gas, oil and candles	2,013 81
Water supply	458 00
Hay and straw	98 46
Uniforms for nurses	220 13

Ice supply	$439 64
Salaries and wages	17,520 20
Insurance	194 55
Coffins and funerals	.....
Advertising and printing	101 95
Contingencies	245 15
Repairs, ordinary	4,361 49
Telephone service	30 00
Legal costs	62 49
Total	$71,444 90

Government Grant for 1893.

Allowance for hospital cases, 79,115 days at 20 cents	$15,823 00
Supplementary allowance, at 10 cents	7,911 50
Allowance for improper cases for hospital treatment, 4,762 days at 7 cents	333 34
Total	$24,067 84

INSPECTIONS.

I made an inspection of the General Hospital, Toronto, on the 13th May. The number of patients registered as under treatment on that day was 233. The record for the current year is as follows: Admissions, 1,745; deaths, 142; births, 71. There were also treated as outdoor patients, in the month of October, 1,082; November, 971; December, 977; January, 979; February, 1,048; March, 1,223; April, 1,108. There were 65 nurses under training at the time of my visit. Every department of the Hospital was clean and in good order.

A new wing has been built during the past winter for the reception of patients, and for clinical and laboratory purposes. This wing adjoins the ampitheater, and is a valuable addition to the Hospital.

This Institution is being largely taken advantage of by the sick and diseased from all parts of the Province, and it is thus doing a large provincial, as well as city work. It is the best Hospital in the Province, as regards accommodation and management.

I beg to report the General Hospital, Toronto, was inspected by me on the 10th November. There were 203 patients (130 males and 73 females) in the Institution on that day, distributed as follows: Burnside Lying-in department, 6 females; eye and ear infirmary, 12 males and 3 females; pavilion for special diseases of women, 12 females; general medical, surgical and other cases, 118 males and 52 females.

During the past summer general repairs have been made to the building. The old boiler on the west side has been taken out and replaced by two large new ones. A brick building has been added lately, at the rear of the operating theatre, for the treatment of external patients only. Over 12,000 of this class have been treated during the last year. There are separate admitting rooms, etc.

The Board of Trustees are composed of Messrs. Walter S. Lee, Chairman, George Gooderham, J. L. Blaikie, Hugh Ryan and the Mayor, *ex-officio*. The vacancy caused by the death of Mr. D. A. O'Sullivan has been filled by the appointment of Mr. Hugh Ryan.

Diphtheria and scarlet fever cases are not now admitted to the General Hospital, they being placed under the care of the Local Board of Health, in the Isolated Hospital over the Don.

Upon an inspection of the books I found that only 21 of the 203 patients had been admitted prior to August 1st, showing that very few chronic cases were in the Hospital. All the books were in proper order.

This Institution is very ably managed by Dr. Charles O'Reilly, who takes a great interest in the welfare of the patients.

HOMŒOPATHIC HOSPITAL, TORONTO.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment in the Hospital 1st October, 1891	29
Admitted	249
Births in the Hospital	30
Total number under treatment	308
Discharges, including infants	261
Died	12
Under treatment 30th September, 1892	35
	308

Places Received From.

From the City of Toronto	267
From the County of York	41
From other counties of the Province	....
From United States	....
From other countries, including immigrants	....
	308

Sex.

Male	111
Female	197
	308

Nationalities.

Canadian	170
English	70
Irish	42
Scotch	16
United States	9
Other countries	1
	308

Religious Denominations.

Protestant	264
Roman Catholic	44
Other religions, or not known	....
	308

The following table gives a summary of certain cases treated in the Homœopathic Hospital, Toronto, during the year:

	No. of cases treated.
Typhoid Fever	17
Typhus "	....
Puerperal "	....
Cerebro Spinal Fever	....
Diphtheria	....
Smallpox	....

Revenue.

From the Government of Ontario	$2,860 42
From the City of Toronto, in payment of patients' maintenance	3,449 60
From paying patients themselves	1,823 15
Subscriptions, donations and bequests of private individuals	1,272 37
From all other sources not above enumerated	1,048 17
Total	$10,453 71

Expenditures.

Butchers' meat	$1,604 15
Butter	256 53
Eggs	.....
Flour, bread and meal	314 99
Milk	497 80
Tea and coffee	78 40
Potatoes and other vegetables	198 37
Groceries and provisions not enumerated	744 40
Drugs and medicines	88 13
Medical and surgical appliances	201 09
Surgical instruments	20 58
Beer, wine and spirits	26 57
Bedding, napery and general house-furnishing	1,146 25
Brooms, brushes, mops, soap and cleaning appliances	92 61
Fuel	408 00
Light—gas, oil and candles	393 90
Water supply	43 40
Hay and straw	.....
Clothing for patients, including boots and shoes	.....
Ice	8 65
Salaries and wages	1,972 09
Taxes and insurance	72 74
Contingencies	425 38
Repairs, ordinary	208 73
Advertising, stationery, etc.	.....
Coffins and funerals	.....
Rent and interest	989 00
Total	$9,791 76

Government Grant for 1893.

Allowance for Hospital cases, 9,465 days at 20 cents	$1,893 00
Supplementary allowance, at 10 cents	946 50
Allowance for improper cases for Hospital treatment, 914 days at 7 cents	63 98
Total	$2,903 48

INSPECTIONS.

I visited the Homœopathic Hospital, Toronto, on the 20th May.

There were 19 patients on that day, 9 men and 9 women and 1 child. There have been treated since the 1st October last, 104 patients; five deaths have occurred during the same period.

Every department was clean and tidy. About one-fourth of the patients pay from $6 to $10 per week. There are 13 nurses in training; they receive from $2 to $6 per month. A separate building has been erected at a little distance from the Hospital, which is used as a maternity ward, and there were 10 mothers and 8 children in it at the time of my visit.

HOSPITAL FOR SICK CHILDREN, TORONTO.

The following summaries shew the operations of this Institution during the year:

Movements of Inmates.

Under treatment 1st October, 1891	65	
Admitted	318	
Total number of inmates		383
Discharged	303	
Died	18	
Under treatment 30th September, 1892	62	
		383

Places Received From.

From the City of Toronto	319	
From the County of York	7	
From other counties of the Province	55	
From United States	....	
From other countries, including immigrants	2	
		383

Sex.

Male	195	
Female	188	
		383

Nationalities.

Canadian	321
English	41
Irish	7
Scotch	5
United States	6
Other countries	3
	383

Religious Denominations.

Protestant	337
Roman Catholic	44
Other religions	2
	383

The following table gives a summary of certain diseases treated in the Hospital during the year:

	No. of cases treated.
Typhoid fever	17
Typhus fever	....
Puerperal fever	....
Cerebro spinal fever	....
Diphtheria	5
Smallpox	....

Revenue.

From the Province of Ontario	$4,515 60
From the Dominion Government	.....
From the County of York	.....
From other municipalities	46 40
From the City of Toronto	5,000 00
From patients themselves, for maintenance and treatment	1,159 47
From property belonging to the Hospital	85 00
From subscriptions, donations and bequests from private individuals	21,590 32
From all other sources not enumerated	.....
	$32,396 79

Expenditure.

Butchers' meat	$913 31
Butter	476 72
Eggs	.....
Flour, bread and meal	577 40
Milk	985 99
Tea and coffee	179 44
Potatoes and other vegetables	183 82
Groceries and provisions not enumerated	961 81
Drugs and medicines	696 92
Medical and surgical appliances	914 78

Surgical instruments	$435 12
Beer, wine and spirits	124 69
Bedding, napery and general house-furnishings	12,086 86
Brooms, brushes, mops, soap and cleaning appliances	256 71
Fuel	2,874 37
Light—gas, oil and candles	498 58
Water supply	357 67
Hay and straw	.....
Clothing for patients, including boots and shoes	469 54
Ice	64 60
Salaries and wages	4,212 57
Taxes and insurance	92 80
Contingencies	535 09
Repairs, ordinary	116 30
Advertising, stationery, etc.	399 88
Coffins and funerals	.....
Interest	5,303 17
	$33,718 14

Government Grant for 1893.

Allowance for Hospital cases, 24,220 days, at 20 cents per day	$4,844 00
Supplementary allowance, at 10 cents	2,422 00
Total	$7,266 00

INSPECTIONS.

I visited the Hospital for Sick Children, Toronto, on the 5th May

This is the only hospital in the Province especially designed for the treatment of sick children. It is well located, and fitted up with the most modern improvements, and in every respect is a model hospital. The drainage and ventilation are good, and the character of the plumbing is excellent. The bath-rooms, water-closets and wash-rooms are conveniently situated to the sick wards on each flat, from the basement to the attic. The building is equipped with proper fire appliances. There is an excellent staff of nurses and attendants. The Board of Trustees deserve a great deal of credit for the attention given to the oversight and management of this Institution. Much of the responsibility, both in the erection of the building and its internal management, has devolved upon Mr. John Ross Robertson, of Toronto, and to a great extent he may be said to be the founder of this Hospital, which for its size and the number it is designed to accommodate, cannot be surpassed in this or any other country.

On the day of my visit there were 82 patients—42 females and 40 males—from 2 to 14 years of age. Admitted since the 1st October, 216; discharged, 134; deaths, 7 There is accommodation for 100. The staff consists of 16 nurses, 1 resident medical man, 1 matron, 1 assistant-matron, 2 cooks, 1 laundress and 2 assistant-laundresses, 1 teacher, 1 seamstress, 4 ward servants, 2 engineers, 1 porter, 1 lady clerk in office, 1 door attendant and 2 dining-room attendants. In charge of Hospital, a medical staff of 12 doctors.

I visited the Hospital for Sick Children, Toronto, on the 10th November and saw all the inmates, 42 boys and 30 girls, whose ages were from 3 to 14 years.

This Hospital is one of the best and most convenient in the Province. Three hundred and eighty-three children were treated during the year, and 18 died. There is a large number of nurses and attendants, and a large and efficient staff of medical officers. The Institution throughout was in the best of order.

CITY HOSPITAL, HAMILTON.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	56	
Admitted	649	
Births in the Hospital	29	
Total number under treatment		734
Discharged	626	
Died	43	
Under treatment, 30th September, 1892	65	
		734

Places Received From.

From the City of Hamilton, including births in Hospital	670	
From the County of Wentworth	32	
From other counties in the Province	30	
From United States	2	
From other countries	..	
		734

Sex.

Male	388	
Female	346	
		734

Nationalities.

Canadian	358	
English	184	
Irish	97	
Scotch	47	
United States	26	
Other countries	22	
		734

Religious Denominations.

Protestant	590	
Roman Catholic	138	
Other religions	6	
		734

The following table gives a summary of certain diseases treated in the City Hospital, Hamilton, during the year:

	Number of cases treated.
Typhoid Fever	12
Typhus Fever	..
Puerperal Fever	..
Cerebro Spinal Fever	..
Diphtheria	4
Smallpox	..

Revenue.

From the Province of Ontario	$6,182 20
From the City of Hamilton	14,664 92
From other municipalities in the Province	121 05
From paying patients themselves	2,741 82
Total	$23,709 99

Expenditures.

Butchers' meat	$2,986 77
Butter	814 07
Flour, bread and meal	760 80
Milk	751 90
Tea and coffee	390 41
Potatoes and other vegetables	550 98
Groceries and other provisions not enumerated	1,478 32
Drugs and medicines	1,292 16
Surgical instruments	70 15
Beer, wine and spirits	134 16
Bedding, etc	414 97
Brooms, brushes, mops, soap and cleansing appliances	245 86
Fuel	1,687 34
Light—gas, oil and candles	586 95
Water supply	300 00
Hay and straw	.....
Clothing for patients, including boots and shoes	29 74
Ice	99 35
Salaries and wages	6,162 94
Taxes and insurance	910 00
Coffins and funerals	15 00
Contingencies	1,113 43
Repairs, ordinary	357 04
Total	$21,152 34

Government Grant for 1893.

Allowance for Hospital cases, 21,037 days at 20 cents	$4,207 40
Supplementary allowance at 10 cents	2,103 70
Allowance for improper cases for Hospital treatment, 1,691 days at 7 cents	118 37
Total	$6,429 47

INSPECTIONS.

I inspected the City Hospital, Hamilton, on the 6th May. On that day the patients numbered 62, viz: 37 males and 25 females. Since the beginning of the year 432 have been admitted, and 25 have died. There is accommodation for 120.

Every department was in good order. Ventilation and drainage good. The building is heated by steam and provided with city water and gas. There is a resident physician and staff of fourteen nurses. There is also a good staff of medical men in attendance. A building is now in process of erection, which is to be used as a maternity or lying-in hospital; it is expected to be completed in the fall, and will have accommodation for fifteen patients.

I made an inspection of the City Hospital, Hamilton, on the 12th Nov.

There were under treatment on that day 57 patients—34 males and 18 females. The number of patients received during the year was 734, being an increase of 42 over the previous year. There were 41 deaths during the year.

The general condition of the buildings and grounds was satisfactory. Every department of the Institution was clean and well kept. A new building has been erected on the grounds to be used as a maternity hospital, and will accommodate fifteen patients. It is heated by hot water, lighted by gas, and supplied with city water. It is fitted with bath-rooms and water-closets complete, and the plumbing is very good. The drainage and ventilation are good. There are good nurses and an efficient staff of medical and surgical attendants.

This Hospital has made considerable progress during the last two or three years. A board composed of seven aldermen manage the financial affairs of the Institution, providing all necessary funds. About ten of the patients pay from $2.50 to $10 per month.

The management, under Dr. Olmsted, is all that could be desired.

ST. JOSEPH HOSPITAL, HAMILTON.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	17	
Admitted	206	
Total number under treatment		223
Discharged	195	
Died	9	
Under treatment, 30th September, 1892	19	
		223

Places Admitted From

From the City of Hamilton	190	
From the County of Wentworth	10	
From other counties in the Province	23	
From United States	....	
From other countries	....	
		223

Sex.

Male	107	
Female	116	
	——	223

Nationalities.

Canadian	96	
English	46	
Irish	60	
Scotch	12	
United States	....	
Other countries	9	
	——	223

Religious Denominations.

Protestant	88	
Roman Catholic	134	
Other religions	1	
	——	223

The following table gives a summary of certain diseases treated in St. Joseph's Hospital, Hamilton, during the year :—

	No. of cases treated.
Typhoid Fever	11
Typhus Fever	....
Puerperal Fever	....
Cerebro Spinal Fever	....
Diphtheria	....
Smallpox	....

Revenue.

From the Province of Ontario	$744 30
From the City of Hamilton	.....
From other Municipalities in the Province	6 00
From paying patients themselves	1,495 00
Subscriptions, donations and bequests in cash	359 00
Income from endowments, etc., or other property belonging to the Hospital	680 00
Received from other sources	691 17
Total	$3,975 47

Expenditures.

Butcher's meat	$617 11
Butter	101 15
Flour, bread and meal	222 19
Milk	100 04
Tea and coffee	61 73
Potatoes and other vegetables	89 93
Groceries and other provisions not enumerated	409 88
Drugs and medicines	209 75

Surgical appliances	$28 62
Beer, wine and spirits	90 00
Bedding, etc	417 17
Brooms, brushes, mops soap and cleaning appliances	30 70
Fuel	254 00
Light—gas, oil and candles	33 37
Water supply	78 70
Hay and straw	56 26
Clothing for patients, including boots and shoes	5 45
Ice	11 75
Salaries and wages	178 60
Taxes and insurance	108 25
Coffins and funerals	....
Contingencies	96 63
Repairs, ordinary	238 02
Total	$3,439 30

Government Grant for 1893.

Allowance for Hospital cases, 7,869 days at 20 cents	$1,573 80
Supplementary allowance, 7,869 days at 10 cents	786 90
Total	$2,360 70

INSPECTIONS.

I made an inspection of the St. Joseph's Hospital, Hamilton, on the 6th May. There were then in the Institution, 11 men and 13 women. 112 have been admitted since the 1st of October last, and 3 have died. About fifty per cent. of the patients pay from $3 to $10 per month. There is a staff of nine medical men and six nurses. The house was in commendable order throughout, and the books were found to be well kept.

I beg to report that I made an inspection of the St. Joseph's Hospital, Hamilton, on the 12th November, and found nineteen patients, five men and fourteen women under treatment. The Hospital in every part, was clean and well kept, and the books were written up.

GENERAL HOSPITAL, KINGSTON.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1890	59	
Admitted	683	
Births in Hospital	47	
Total number under treatment		789
Discharged	683	
Died	50	
Under treatment, 30th September, 1891	56	
		789

Places Received From.

From the City of Kingston (including births)	484	
From the County of Frontenac	131	
From other counties of the Province	145	
From the United States	17	
From other countries	12	
	——	789

Sex.

Male	406	
Female	383	
	——	789

Religious Denominations.

Protestant	701	
Roman Catholic	88	
Other religions (or not known)	..	
	——	789

Nationalities.

Canadian	494	
English	107	
Irish	125	
Scotch	39	
United States	14	
Other countries	10	
	——	789

The following table gives a summary of certain diseases treated in the General Hospital, Kingston, during the year:

	No. of cases treated.
Typhoid Fever	81
Typhus Fever	..
Puerperal Fever	...
Cerebro Spinal Fever	...
Diphtheria	15
Smallpox	...

Revenue.

From the Province	$5,115 09
From the Dominion Government	500 00
From the County of Frontenac	250 00
From the City of Kingston	1,500 00
From other municipalities of the Province	100 00
From patients themselves, for maintenance and treatment	3,271 61
From property belonging to the Hospital	703 08
From subscriptions, donations, and bequests from private individuals	1,249 64
From all other sources not enumerated	813 86
Total	$13,503 28

Expenditures.

Butchers' meat	$996 15
Butter	595 85
Flour, bread and meal	505 41
Milk	525 84
Tea and coffee	206 39
Potatoes and other vegetables	279 51
Groceries and provisions, not enumerated	1,108 09
Drugs and medicines	600 60
Surgical instruments and appliances	447 33
Beer, wine and spirits	137 85
Bedding, napery and general house furnishings	1,100 19
Brooms, brushes, mops, soap and cleaning appliances	114 41
Fuel	1,464 69
Light—gas, oil and candles	452 19
Water supply	100 69
Straw	.....
Clothing for patients	2 93
Ice	33 00
Salaries and wages	3,060 92
Insurance	10 30
Coffins and funerals	16 50
Contingencies	465 38
Repairs, ordinary	759 93
Total	$12,984 15

Government Grant for 1892.

Allowance for Hospital cases, 18,941 days, at 20 cents per day	$3,788 20
Supplementary allowance, at 10 cents per day	1,894 10
Allowance for improper cases for Hospital treatment, 2,928 days, at 7 cents	204 96
Total	$5,887 26

INSPECTIONS.

I made an inspection of the General Hospital, Kingston, on the 21st June. There were on that day 64 patients, namely: 32 men, 27 women, and 5 children.

The building was in very good order throughout. A new wash-room, bath-tub and water-closet have been fitted up on each flat of the old wing. There is good drainage and ventilation. A laundry is much required as the room at present used for that purpose, situated in the basement, is too small as well as inconvenient and unhealthy. An operating room is much needed and should be provided as soon as possible. Also a ward for lying-in cases. A morgue should be built on the premises as the room now used is not at all suitable.

There is a good staff of medical men and nurses in attendance. 15 nurses were under training at the time of my visit.

I inspected the General Hospital, Kingston, on the 28th September. There were then under treatment 27 men and 27 women— total, 54. The number treated during the year was 676, and the number of deaths 52.

The Hospital was clean, well-ventilated, and in satisfactory order throughout. A new morgue and post-mortem room was erected during the past year, new water-closets and bath-rooms have also been placed in the building. There has been quite an improvement in the management of this Hospital since Dr. Kilborn was appointed resident surgeon.

In my last minutes of inspection I called attention to the necessity for a new laundry, an operating-room, and an apartment for lying-in cases and I hope these improvements will be carried out during the ensuing year.

HOTEL DIEU HOSPITAL, KINGSTON.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment 1st October, 1891	30	
Admitted	408	
Total number under treatment		438
Discharged	385	
Died	24	
Under treatment 30th September, 1892	29	
		438

Places Received From.

From the City of Kingston	220	
From the County of Frontenac	162	
From other counties of the Province	53	
From United States	1	
From other countries	2	
		438

Sex.

Male	206	
Female	232	
		438

Nationalities.

Canadian	338	
English	20	
Irish	72	
Scotch	7	
United States	1	
Other countries	..	
		438

Religious Denominations.

Protestant	85
Roman Catholic	353
	438

The following table gives a summary of certain diseases treated in the Hotel Dieu Hospital, Kingston, during the year :

	No. of cases treated.
Typhoid Fever	14
Typhus Fever	..
Puerperal Fever	..
Cerebro Spinal Fever	..
Diphtheria	..
Smallpox	..

Revenue.

From the Province of Ontario	$3,569 54
From municipalities	.....
From patients themselves, for maintenance and treatment	1,185 38
Income from investments	309 43
Subscriptions, donations and bequests	13,573 29
From other sources not enumerated	881 00
Total	$19,518 64

Expenditures.

Butchers' meat	$883 59
Butter	318 00
Flour, bread and meal	313 30
Milk	283 29
Tea and coffee	199 00
Potatoes and other vegetables	100 20
Groceries and provisions, not enumerated	555 59
Drugs and medicines	323 68
Surgical instruments and appliances	25 00
Beer, wine and spirits	60 82
Bedding, napery and general house furnishings	1,032 06
Brooms, brushes, mops, soap and cleaning appliances	90 00
Fuel	466 30
Light—gas, oil and candles	54 18
Water supply	50 40
Straw and hay	83 89
Clothing for patients	492 63
Ice	19 00
Salaries and wages	299 91
Insurance and taxes	166 35
Coffins and funerals	22 70
Contingencies	86 35
Repairs, ordinary	.....
Total	$5,926 24

Government Grant for 1893.

Allowance for Hospital cases, 12,786 days, at 20 cents per day	$2,557 20
Supplementary allowance, 12,786 days, at 10 cents	1,278 60
Allowance for improper cases for Hospital treatment, 1,057 days, at 7 cents	73 99
Total	$3,909 79

INSPECTIONS.

I made an inspection of the Hotel Dieu Hospital, Kingston, on the 21st June. There were 39 patients on that day, viz.: 18 men, 15 women and 6 children. 287 have been admitted during the year, and 25 have died.

No changes calling for remark have been made in the Institution since my last visit, with the exception of placing some bedsteads and bedding in the different wards.

Every department was clean and in good order. There is a good staff of medical attendants as well as nurses. The books are correctly kept.

I made an inspection of the Hotel Dieu Hospital, Kingston, on the 28th September. There were 12 males and 15 females under treatment.

Up to date 405 patients have been received since the 1st October last, and during that period 24 deaths have occurred. Every department was in the best of order, clean and well kept. The old Regiopolis College building is now being fitted up for this Hospital and is expected to be ready for occupation this fall.

GENERAL PROTESTANT HOSPITAL, OTTAWA.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment 1st October, 1891	44	
Admitted	398	
Births in the Hospital	..	
Total number under treatment		442
Discharged	353	
Died	46	
Under treatment, 30th September, 1892	43	
		442

Places Admitted From.

From the City of Ottawa	284	
From the County of Carleton	34	
From other counties in the Province	81	
Other countries	43	
		442

Sex.

Male	244	
Female	198	
	——	442

Nationalities.

Canadian	268	
English	76	
Irish	56	
Scotch	17	
United States	4	
Other countries	21	
	——	442

Religious Denominations.

Protestant	378	
Roman Catholic	35	
Other religions, or not known	29	
	——	442

The following table gives a summary of certain diseases treated in the General Protestant Hospital Ottawa, during the year:

	No. of cases treated.
Typhoid fever	24
Typhus "	..
Puerperal "	..
Cerebro Spinal fever	..
Diphtheria	40
Smallpox	..

Revenue.

From the Province of Ontario	$4,263 19
From the City of Ottawa	895 00
From the County of Carleton	500 00
From other municipalities	175 00
From patients themselves for maintenance and treatment	1,783 69
Income from endowments	6,807 10
Subscriptions, donations and bequests of private individuals	3,395 05
From other sources not enumerated	1,295 46
Total	$19,114 49

Expenditures.

Butchers' meat	$695 47
Butter	375 63
Flour, bread and meal	362 04
Milk	797 40
Tea and coffee	132 22

Potatoes and other vegetables	$60 65
Groceries and provisions not enumerated	366 75
Drugs and medicines Medical and surgical appliances Surgical instruments	1,257 42
Beer, wine and spirits	160 59
Bedding, napery and general house furnishings	703 09
Brooms, brushes, mops, soap and cleaning appliances	5 80
Fuel	962 71
Light—gas, oil and candles	305 12
Water supply	245 02
Hay and straw	25 00
Clothing for patients, including boots and shoes	.....
Ice	31 00
Salaries and wages	5,038 39
Taxes and insurance	105 00
Coffins and funerals	145 00
Contingencies	496 70
Repairs, ordinary	244 04
Postage, telegraphing, telephone, express, stationery, etc.	.....
Total	$12,515 04

Government Grant for 1893.

Allowance for Hospital cases, 16,598 days, at 20 cents per day	$3,319 60
Supplementary allowance at 10 cents	1,659 80
Allowance for improper cases for Hospital treatment, 916 days, at 7 cents	64 12
Total	$5,043 52

INSPECTIONS.

I made an inspection of the General Hospital, Ottawa, on the 8th February. The patients in residence numbered 61, 33 men, 26 women, and 2 children. There is accommodation for 90. The building has been entirely renovated and remodelled during the past year, and is now in first-class order.

It is heated by hot water, and supplied with gas and city water. The bath-rooms, wash-rooms and water-closets are in good order. Good drainage and ventilation.

A maternity department is very much required in connection with this Hospital. A wing for that purpose could be easily attached, and the Institution would then be one of the most complete in the Province. There is a good staff of medical officers and nurses. The improvements made during the past year have cost about $5,000. A new fire escape has been erected.

I instructed Mr. Nicholson to make an inspection of this Institution. He reported as follows:

As instructed by you, I made an inspection of the General Hospital, Ottawa, on the 1st September. The patients in residence numbered 44, 26 males and 18

females. There have been admitted since the 1st October last 366 patients. There are 90 beds.

The Hospital was in good order, and there was nothing connected with its management or condition that called for special comment. The books were examined and found to be correctly kept.

ROMAN CATHOLIC HOSPITAL, OTTAWA.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	52	
Admitted	671	
Total number under treatment		723
Discharged	616	
Died	51	
Under treatment, 30th September, 1892	56	
		723

Places Received From.

From the City of Ottawa	604	
From the County of Carleton	67	
From other counties in the Province	34	
From the United States	9	
From other countries	9	
		723

Sex.

Male	315	
Female	408	
		723

Nationalities.

Canadian	568	
English	11	
Irish	82	
Scotch	10	
United States	20	
Other countries	32	
		723

Religious Denominations.

Protestant	20	
Roman Catholic	700	
Other religions	3	
		723

The following table gives a summary of certain diseases treated in the General Roman Catholic Hospital Ottawa, during the year:

	No. of cases treated.
Typhoid Fever	37
Typhus "	..
Puerperal "	..
Cerebro Spinal Fever	..
Diphtheria	42
Smallpox	..

Revenue.

From the Province of Ontario	$5,312 58
From the City of Ottawa	800 00
From the County of Carleton	250 00
From other municipalities	.....
From patients themselves for maintenance and treatment	2,535 49
Income from endowments	185 00
Subscriptions, donations and bequests of private individuals	1,132 68
From other sources not enumerated	2,286 99
Total	$12,502 74

Expenditures.

Butchers' meat	$1,774 10
Butter	754 36
Flour, bread and meal	604 79
Milk	667 87
Tea and coffee	160 14
Potatoes and other vegetables	451 47
Groceries and provisions, not enumerated	761 60
Drugs and medicines	750 64
Medical and surgical appliances	.....
Surgical instruments	302 55
Beer, wine and spirits	268 77
Bedding, napery and general house furnishings	634 11
Brooms, brushes, mops, soap and cleaning appliances	281 04
Fuel	1,134 90
Light—gas, oil and candles	330 00
Water supply	325 00
Hay and straw	86 18
Clothing for patients, including boots and shoes	.....
Ice	88 50
Salaries and wages	1,752 00
Taxes and insurance	391 18
Coffins and funerals	.....
Contingencies	126 52
Repairs, ordinary	508 97
Total	$12,154 69

Government Grant for 1893.

Allowance for Hospital cases, 18,111 days at 20 cents	$3,622 20
Supplementary allowance of one-fourth of receipts -	1,797 54
Allowance for improper Hospital cases, 642 days at 7 cents - - - - - -	44 94
Total - - - - - -	$5,464 68

INSPECTIONS.

The Roman Catholic Hospital, Ottawa, was inspected by me on the 8th February. There were under treatment on that day 70 patients, viz.: 29 males, 40 females, and 1 child. There is accommodation for 80 patients. The number admitted since the 1st October is 274; and there were 13 deaths during the same period.

The building is heated by steam, and supplied with city water. Coal oil is used for lighting. The public wards, private rooms, dispensary, bath-rooms and water-closets were found to be in good order. There is good ventilation and drainage. The books are well kept, and the management very satisfactory.

I instructed Mr. Nicholson to make an inspection of this Hospital. He reported as follows:

As instructed by you, I made an inspection of the Roman Catholic Hospital, Ottawa, on the 30th August.

The patients on that day numbered 47, of whom two were children under twelve years. All these persons were under active treatment in the wards.

The number admitted since the beginning of the year was 597, and during that period 37 deaths occurred. There is accommodation for 95.

The Institution was in the best of order throughout, and I found the records well kept.

HOUSE OF MERCY LYING-IN HOSPITAL, OTTAWA.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891 - -	25	
Admitted - - - - - -	166	
Births in the Hospital - - - - -	159	
Total number under treatment - -	—	350
Discharged - - - - - -	321	
Died - - - - - - -	8	
Under treatment 30th September, 1892 - - -	21	
	—	350

Places Received From.

From the City of Ottawa - - - -	153	
From the County of Carleton - - - -	6	
From other counties in the Province - - -	137	
From the United States - - - - -	15	
From other countries - - - - -	39	
	—	350

Sex.		
Males	82	
Females	268	
		350
Nationalities.		
Canadian	143	
English	54	
Irish	106	
Scotch	32	
United States	4	
Other countries	11	
		350
Religious Denominations.		
Protestant	114	
Roman Catholic	236	
		350
Revenue.		
From the Province of Ontario	$1,118 94	
From paying patients themselves	1,104 50	
Income from investments	98 80	
From subscriptions and donations	1,854 57	
From other sources	3,109 51	
Total	$7,286 32	
Expenditures.		
Butcher's meat	$913 32	
Butter	261 86	
Flour, bread and meal	418 13	
Milk	332 34	
Tea and coffee	43 61	
Potatoes and other vegetables	230 47	
Groceries and provisions, not enumerated	366 12	
Drugs and medicines	39 37	
Medical and surgical appliances	....	
Surgical instruments	....	
Beer, wine and spirits	44 10	
Bedding, napery and general house furnishings	241 43	
Brooms, brushes, mops, soap and cleaning appliances	80 24	
Fuel	467 48	
Light—Gas, oil and candles	30 86	
Water supply	139 62	
Hay and straw	267 35	
Clothing for patients, including boots and shoes	380 38	
Ice	5 45	
Salaries and wages	425 61	
Taxes and insurance	33 40	
Coffins and funerals	8 30	
Contingencies	....	
Repairs, ordinary	133 75	
Total	$4,863 19	

Government Grant for 1893.

Allowance for Hospital cases, 5,788 days at 20 cents	$1,157 60
Supplementary allowance, at 10 cents	578 80
Allowance for improper Hospital cases, 5,577 days at 7 cents	390 39
Total	$2,126 79

INSPECTIONS.

I made an inspection of the House of Mercy Lying-in Hospital, Ottawa, on the 6th February. There were 40 women in residence. Most of the patients pay from $6 to $10 per week. There is accommodation for 60.

Those of the inmates who are able to work are occupied with sewing, knitting, weaving, and some laundry work.

The Institution was clean and in good order throughout. There is a good staff of medical officers, as well as nurses. The books are well kept.

I instructed Mr. Nicholson to make the second inspection of this Hospital. His report is annexed:

According to your instructions, I made an inspection of the House of Mercy Lying-in Hospital, Ottawa, on the 1st September.

There were 26 women in residence, the majority of whom were waiting confinement. The records shewed that 181 women had been received into the Institution since the beginning of the present year. No deaths occurred during that period.

The Institution was in some disorder, consequent upon the extensive structural alterations being made in the building. When these are completed the accommodation will be considerably added to. The books were found to be entered correctly.

GENERAL HOSPITAL, LONDON.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	44	
Admitted	471	
Births in the Hospital	26	
Total number under treatment		541
Discharged	455	
Died	41	
Under treatment, 30th September, 1892	45	
		541

Places Received From.

From the City of London	408	
From the County of Middlesex	97	
From other counties in the Province	25	
United States and other countries	11	
		541

Sex.

Male	284	
Female	257	
		541

Nationalities.

Canadian	278	
English	135	
Irish	61	
Scotch	27	
United States	21	
Other countries	19	
		541

Religious Denominations.

Protestant	480	
Roman Catholic	50	
Other religions	11	
		541

The following table gives a summary of certain diseases treated in the General Hospital, London, during the year:

	No. of cases treated.
Typhoid Fever	28
Typhus "	..
Puerperal "	1
Cerebro Spinal Fever	..
Diphtheria	5
Smallpox	..

Revenue.

From the Province of Ontario	$5,261 77
From the City of London	6,773 73
From the County of Middlesex in payment for patients	1,800 00
From paying patients themselves	3,569 34
From income from property or investments	454 72
Total	$17,859 56

Expenditures.

Butcher's meat	1,319 09
Butter	585 21
Flour, bread and meal	507 61
Milk	743 97
Tea and coffee	257 18
Potatoes and other vegetables	126 63
Groceries and provisions not enumerated	1,154 62
Drugs and medicines	1,517 70
Surgical instruments	.....
Medical and surgical appliances	135 50
Beer, wine and spirits	178 24
Bedding, napery and general house furnishings	878 77

Brooms, brushes, mops, soap and cleaning appliances	$191 70
Fuel	1,657 46
Light—gas, oil and candles	750 07
Water	100 00
Hay and straw	17 90
Clothing for patients	....
Ice	83 00
Salaries and wages	4,917 25
Taxes and insurance	141 10
Coffins and funerals	....
Contingencies	794 40
Repairs, ordinary	1,615 16
Total	$17,672 56

Government Grant for 1893.

Allowance for Hospital cases, 17,464 days at 20 cents	$3,492 80
Supplementary allowance, at 10 cents	1,746 40
Allowance, improper cases for Hospital treatment, 1,229 days at 7 cents	86 03
Total	$5,325 23

INSPECTIONS.

I inspected the General Hospital, London, on the 9th May. The number of patients was 48, viz.: 25 males and 23 females. There have been received into this Hospital since the 1st October 351 patients, and for the same period 29 deaths are recorded. About twenty per cent. of the patients pay from 50c. to 90c. per day.

Twelve nurses were under training in the training school at the time of my visit. There is a good staff of medical attendants.

The Hospital was in good order in all departments, and appeared to be efficiently managed. The books were found correct.

I instructed Mr. Aikens to make an inspection of this Institution. A copy of his report is annexed:

I inspected the General Hospital, London, according to instructions from you, on September the 12th. Twelve male patients, 29 females and 4 children—total 45, were being treated on the day of my visit. The building has bed accommodation for 90 patients. The ventilation, water-supply, plumbing and drainage of this Hospital were all in good order on the above date.

Ten deaths have occurred since the last inspection. Several of the patients were in the infectious wards.

On account of the absence of the Lady Superintendent, some of the Institution records could not be found. Those that I examined could be improved by adopting a little more system in keeping them.

ST. JOSEPH'S HOSPITAL, LONDON.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment 1st October, 1891	17	
Admitted	122	
Total number under treatment		139
Discharged	113	
Died	7	
Under treatment 30th September, 1892	19	
		139

Places Admitted From.

City of London	78	
County of Middlesex	20	
Other counties	38	
United States	3	
Other countries	..	
		139

Sex.

Male	46	
Female	93	
		139

Nationalities.

Canadian	89	
English	11	
Irish	31	
Scotch	3	
United States	4	
Other countries	1	
		139

Religious Denominations.

Protestant	52	
Roman Catholic	87	
		139

The following table gives a summary of certain diseases treated in the St. Joseph's Hospital, London, during the year:

	No. of cases treated.
Typhoid Fever	9
Typhus "	..
Puerperal "	..
Cerebro Spinal Fever	..
Diphtheria	1
Smallpox	..

Revenue.

From the Province of Ontario	$ 671 33
From the City of London	....
From the County of Middlesex	....
From paying patients	1,701 73
Income from property	....
Subscriptions, donations, etc.	10,881 85
Other sources	1,072 27
Total	$14,327 18

Expenditures.

Butchers' meat	$238 31
Butter	66 91
Flour, bread and meal	50 25
Milk	135 74
Tea and coffee	12 75
Potatoes and other vegetables	15 60
Groceries and provisions not enumerated	272 61
Drugs and medicines	52 98
Surgical instruments	....
Medical and surgical appliances	13 96
Beer, wine and spirits	19 25
Bedding, napery and general house furnishings	17 02
Brooms, brushes, mops, soap and cleaning appliances	7 35
Fuel	203 99
Light—gas, oil and candles	15 00
Water	25 00
Hay and straw	....
Clothing for patients	21 15
Ice	8 00
Salaries and wages	28 00
Taxes and insurance	....
Coffins and funerals	....
Contingencies	35 96
Repairs, ordinary	9 47
Total	$1,249 30

Government Grant for 1893.

Allowance for Hospital cases, 4,658 days at 20 cents	$931 60
Supplementary allowance, at 10 cents	465 80
Allowance, improper cases for Hospital treatment, 170 days at 7 cents	11 90
Total	$1,409 30

INSPECTIONS.

I inspected the St. Joseph's Hospital, London, on the 28th March. On that day there were under treatment 13 patients, viz.: 4 males and 9 females. Several of them are pay-patients, paying from $3 to $8 per week.

There were admitted during the year 70 patients. Three deaths occurred during the same period. All departments were clean and in good order.

A new building on a much larger scale is in course of erection, and when completed will make this is a model hospital. The books were written up to date.

I instructed Mr. Aikens to make an inspection of this Hospital. A copy of his report is annexed.

As instructed by you, I inspected St. Joseph's Hospital, London, on June 29th. Nine female patients and three males were then being treated. The new building now in progress will be ready in six months, and will afford accommodation to 60 patients.

There has been one death since the last inspection. The general condition of the Hospital and grounds was good, considering the local disadvantages. The books also were systematically kept.

GENERAL AND MARINE HOSPITAL, ST. CATHARINES.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients

Number under treatment, 1st October, 1891	16	
Admitted	182	
Births in Hospital	11	
Total number under treatment		209
Discharged	170	
Died	16	
Under treatment, 30th September 1892	23	
		209

Places Admitted From.

From the City of St. Catharines	98	
From the County of Lincoln	41	
From other counties in the Province, and sailors	60	
From the United States	10	
From other countries	..	
		209

Sex.

Male	126	
Female	83	
		209

Nationalities.

Canadian	102	
English	37	
Irish	38	
Scotch	8	
United States	10	
Other countries	14	
		209

Religious Denominations.

Protestant	154
Roman Catholic	54
Other religions, or not known	1
	—— 209

The following table gives a summary of certain diseases treated in the General and Marine Hospital, St. Catharines, during the year:

	No. of cases treated.
Typhoid Fever	8
Typhus "	..
Puerperal "	..
Cerebro Spinal Fever	..
Diphtheria	1
Smallpox	..

Revenue.

From the Province of Ontario	$1,498 54
From the Dominion Government	108 00
From the City of St. Catharines	600 00
From the County of Lincoln	500 00
From other municipalities	300 00
From patients themselves for maintenance and treatment	725 40
From endowments, investments or other property belonging to the Hospital	41 89
From subscriptions, bequests and donations of private persons	820 60
Total	$4,594 43

Expenditures.

Butchers' meat	$373 80
Butter	92 35
Flour, bread and meal	211 80
Milk	273 55
Tea and coffee	57 36
Potatoes and other vegetables	110 62
Groceries and provisions, not enumerated	513 11
Drugs and medicines	333 90
Medical and surgical appliances	97 22
Surgical instruments	6 70
Beer, wine and spirits	42 70
Bedding, napery and general housefurnishings	216 96
Brooms, brushes, mops, soap and cleaning appliances	100 85
Fuel	362 93
Light—gas, oil and candles	96 34
Water supply	17 00
Hay and straw	4 00
Clothing for patients	6 24
Ice	18 00
Salaries and wages	1,416 00

Taxes and insurance	....
Contingencies	$60 80
Stationery, advertising, printing, postage, etc	....
Repairs, ordinary	29 30
Total	$4,441 53

Government Grant for 1893.

Allowance for Hospital cases, 6,061 days at 20 cents	$1,212 20
Supplementary allowance at 10 cents	606 10
Allowance for improper cases for Hospital treatment, 404 days at 7 cents	28 28
Total	$1,846 58

INSPECTIONS.

I made an inspection of the General and Marine Hospital, St. Catharines, on the 25th January, when there were 17 males, 12 females and 1 child under treatment. One-fourth of the patients contribute from $3 to $6 per week each during their stay. The Institution was in good order in all respects. It is heated with hot-air and supplied with city water. There were 10 nurses in training in the Hospital. The books were well kept.

I made an inspection of the General and Marine Hospital, St. Catharines, on the 16th September, when there were 17 patients, 6 men and 11 women. There were admitted since the 1st October, 184 patients, and during that time 14 died.

The public wards, private rooms, dispensary, dining-rooms, bath-rooms and water-closets were all in good condition. There is good drainage and ventilation. The building is heated with hot-air and supplied with city water and gas. The books were in good order.

GALT HOSPITAL, GALT.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	12	
Admitted	143	
Number of births in the Institution	1	
Total number under treatment		156
Discharged	136	
Died	8	
Under treatment, 30th September, 1892	12	
		156

Places Received From.

From the Town of Galt	84	
From the County of Waterloo	44	
Other counties	24	
United States	4	
Other countries	..	
		156

Sex.

Male	68	
Female	88	
		156

Nationalities.

Canadian	96	
English	15	
Irish	12	
Scotch	14	
United States	7	
Other countries	12	
		156

Religious Denominations.

Protestant	137	
Roman Catholic	17	
Other religions, or not known	2	
		156

The following table gives a summary of certain diseases treated in the Galt Hospital, Galt, during the year:

	No. of cases treated.
Typhoid	24
Typhus	..
Puerperal	.
Cerebro spinal	..
Diphtheria	..
Smallpox	..

Revenue.

From the Province of Ontario	$ 248 40
From the Town of Galt	1,000 00
From the County of Waterloo	1,000 00
From paying patients themselves	1,991 29
From subscriptions, bequests and donations of private individuals	817 81
From all other sources	301 31
Total	$5,358 81

Expenditures.

Butcher's meat	$ 323 34
Butter	90 01
Flour, bread and meal	92 08
Milk	210 32
Tea and coffee	40 63
Potatoes and other vegetables	43 61
Groceries and provisions, not enumerated	219 16
Drugs, medicines, and surgical appliances, etc.	514 83
Beer, wine and spirits	52 05
Bedding, napery and general house furnishings	345 07

Brooms, brushes, mops, soap and cleaning appliances	$84 60
Fuel	488 94
Light—gas, oil and candles	168 84
Water	.....
Hay and straw	.....
Clothes for patients, including boots and shoes	.....
Ice	20 97
Salaries and wages	1,475 27
Taxes and insurance	1 85
Coffins and funerals	.....
Contingencies	114 04
Repairs, ordinary	17 39
Printing and advertising	38 66
Total	$4,341 66

Government Grant for 1893.

Allowance for Hospital cases, 3,873 days at 20 cents	$ 774 60
Supplementary allowance, at 10 cents per day	387 30
Allowance for improper cases for Hospital treatment, 191 days at 7 cents	13 37
Total	$1,175 27

INSPECTIONS.

I made an inspection of the Galt Hospital, on the 12th May. There were 8 patients under treatment on that day, viz: 4 males and 4 females.

The number of patients received since the 1st October was 85, and there were five deaths during the same period. I found the building in a cleanly and well ordered condition throughout, and the books correctly kept.

I visited the Galt Hospital on the 22nd November. There were then sixteen patients under treatment, 7 men, 7 women and 2 children. This is a new Hospital, and every department was found to be in perfect order and well conducted.

A morgue for this Hospital is under construction, and the authorities intend to build an infectious department next season. A new stable is also being built. There is a good supply of nurses and an efficient staff of medical attendants.

GENERAL HOSPITAL, GUELPH,

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	29	
Admitted	443	
Births in the Hospital	9	
Total number under treatment		481
Discharged	407	
Died	41	
Under treatment 30th September, 1892	33	
		481

Places Received From.

City of Guelph	268	
County of Welliugton	170	
Other counties in the Province	38	
From other countries, foreigners and aliens	5	
		481

Sex.

Male	226	
Female	255	
		481

Nationalities.

Canadian	356	
English	72	
Irish	13	
Scotch	30	
United States	6	
Other countries	10	
		481

Religious Denominations.

Protestant	453	
Roman Catholic	27	
Other religions, or not known	1	
		481

The following table gives a summary of certain diseases treated in the General Hospital, Guelph, during the year:

	No. of cases treated.
Typhoid Fever	13
Typhus Fever	....
Puerperal Fever	.....
Cerebro Spinal Fever	....
Diphtheria	121
Smallpox	....

Revenue.

Received from the Province of Ontario	$3,497 88
From the City of Guelph	1,000 00
From the County of Wellington	1,000 00
From paying patients	3,006 83
Subscriptions, donations, etc.	2,355 42
From sources not enumerated	421 15
Total	$11,281 28

Expenditures.

Butcher's meat	$ 636 55
Butter	197 34
Flour, bread and meal	239 01
Milk	33 93
Tea and coffee	68 18
Potatoes and other vegetables	84 97
Groceries and provisions not enumerated	888 87
Drugs and medicines	501 77
Surgical instruments	.....
Beer, wine and spirits	620 57
Bedding, napery and general house furnishings	289 03
Brooms, brushes, mops, etc	139 90
Fuel	1,328 69
Light—gas, oil and candles	232 04
Water supply	30 00
Hay and straw	54 15
Clothing	27 50
Ice	20 00
Salaries and wages	2,544 23
Taxes and insurance and interest	379 66
Contingences	391 98
Repairs, ordinary	281 22
Total	$8,989 59

Government Grant for 1893.

Allowance for Hospital cases, 9,545 days at 20 cents	$1,909 00
Supplementary allowance at 10 cents	954 50
Allowance for improper cases for Hospital treatment 1,344 days at 7 cents	94 08
Total	$2,957 58

INSPECTIONS.

I made an inspection of the General Hospital, Guelph, on the 30th March. The number of patients then in residence was 32, viz: 17 men, 10 women and 5 children.

There have been admitted since the 1st October last 304, and discharged 234; deaths 38. The death rate I found to be very high, and upon enquiry it was accounted for by an epidemic of diphtheria. The deaths occurred among patients from 2 to 16 years of age.

I found, in looking over the register, that nearly all these cases were sent to the Hospital too late for treatment, some dying immediately, and others a day or two after being received.

This Hospital is well situated, has good drainage and ventilation, and is heated with hot water, this latter being introduced since my last visit. The Institution is in a very satisfactory condition in all respects. There is a good staff of medical attendants and nurses. About one-third of the patients pay a weekly rate, ranging from $2. to $10. per week. The books are well kept.

I instructed Mr. Aikens to make an inspection of this Hospital. A copy of his report is annexed.

As instructed by you I made the second inspection of the General Hospital, Guelph, on July 8th. On that date 21 patients were being treated 11 males, 7 females, and 3 children, This is a smaller number than usual considering that the Hospital has 60 beds.

The infectious wards and convalescent wards were entirely empty. The interior wood-work was being painted and renovated on the date of my visit and in consequence the order and discipline was somewhat interferred with. Altogether there are about 20 paid employees at this Hospital including a Swiss gentleman who has charge of the dispensing. The Institution books were very neatly kept and all entered up to date.

ST. JOSEPH'S HOSPITAL, GUELPH.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment 1st October, 1891	26	
Admitted	338	
Total number under treatment		364
Discharged	329	
Died	16	
Under treatment, 30th September, 1892	19	
		364

Places Admitted From.

City of Guelph	228	
County of Wellington	88	
Other counties	48	
Other countries	..	
		364

Sex.

Male	132	
Female	232	
		364

Nationalities.

Canadian	232	
English	10	
Irish	87	
Scotch	5	
United States	8	
Other countries	22	
	——	364

Religious Denominations.

Protestant	73	
Roman Catholic	291	
	——	364

The following table gives a summary of certain diseases treated in the St. Joseph's Hospital, Guelph, during the year:

	No. of cases treated.
Typhoid Fever	..
Typhus "	..
Puerperal "	2
Cerebro Spinal Fever	..
Diphtheria	61
Smallpox	..

Revenue.

From the Province of Ontario	$2,531 26
From the City of Guelph	100 00
From the County of Wellington	800 00
From paying patients	898 75
Income from property	340 60
Subscriptions, donations, etc	328 78
Other sources	190 00
Total	$5,189 39

Expenditures.

Butcher's meat	$493 50
Butter	154 90
Flour, bread and meal	385 75
Milk	205 10
Tea and coffee	169 25
Potatoes and other vegetables	193 40
Groceries and provisions, not enumerated	641 16
Drugs and medicines	398 60
Beer, wine and spirits	131 62
Bedding, napery and general house furnishings	360 25
Brooms, brushes, mops, soap and cleaning appliances	140 60
Fuel	380 75
Light—gas, oil and candles	40 92
Hay and straw	150 25

Clothing for patients	80 90
Ice	10 25
Salaries and wages	332 75
Taxes and insurance	70 00
Contingencies	372 40
Repairs, ordinary	297 90
Total	$5,010 25

Government Grant for 1893.

Allowance for Hospital cases, 10,272 days at 20 cents	$2,054 40
Supplementary allowance of one-fourth of Hospital revenue	664 52
Allowance for improper cases for Hospital treatment, 301 days at 7 cents	21 07
Total	$2,739 99

INSPECTIONS.

I visited the St. Joseph's Hospital, Guelph, on the 30th March. There were 39 patients under treatment, namely, 15 males and 24 females. The admissions since the 1st October are 177; deaths, 4. There is accommodation for 45 patients.

The public and private wards were clean and neat. There is a good operating-room and dispensary. About one-fourth of the patients pay a weekly rate varying from $2 to $6 per week. The building is heated by hot-air furnace and coal stoves. The water supply is from wells. There is a separate building for contagious diseases on the premises, and there were 7 cases of diphtheria therein at the time of my visit.

I instructed Mr. Aikens to make the second statutory inspection of this Hospital. A copy of his report is annexed:

As instructed by you, I made an inspection of St. Joseph's Hospital, Guelph, on July 8th.

The register showed the names of 20 patients in residence, 8 males and 12 females. There has been considerable diphtheria in this Hospital of late years, defective drainage being the cause. On the date of my inspection the Institution was entirely free from scourge, and every effort is being put forth to prevent its return.

The wards were quite clean, and the general condition of the building and grounds was very fair. The same managemement of this Hospital have charge of the House of Providence adjoining. The book-keeping is done in a very simple and neat manner.

GENERAL HOSPITAL, PEMBROKE.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	9	
Admitted	156	
Total number under treatment		165
Discharged	144	
Died	7	
Under treatment, 30th September, 1892	14	
		165

Places Received From.

From the Town of Pembroke	29	
From the County of Renfrew	77	
Other counties	48	
United States	..	
Other countries	11	
		165

Sex.

Male	80	
Female	85	
		165

Nationalities.

Canadian	107	
English	13	
Irish	32	
Scotch	2	
United States	...	
Other countries	11	
		165

Religious Denominations.

Protestant	21	
Roman Catholic	144	
		165

The following table gives a summary of certain diseases treated in the General Hospital, Pembroke, during the year:

	No. of cases treated.
Typhoid	25
Typhus	...
Puerperal	...
Cerebro Spinal	...
Diphtheria	1
Smallpox	.

Revenue.

From the Province of Ontario	$1,398 30
From the Counties of Renfrew and Pontiac, etc	290 00
From paying patients themselves	784 38
From subscriptions, bequests and donations of private individuals	618 25
From all other sources	440 78
Total	$3,531 71

Expenditures.

Butchers' meat	$396 80
Butter	144 55
Flour, bread and meal	260 20
Milk	22 00
Tea and coffee	92 40
Potatoes and other vegetables	142 15
Groceries and provisions, not enumerated	198 43
Drugs, medicines and surgical appliances	225 20
Beer, wine and spirits	50 70
Bedding, napery and general house furnishings	318 40
Brooms, brushes, mops, soap and cleaning appliances	70 70
Fuel	215 53
Light—gas, oil and candles	43 60
Water	14 00
Hay and straw	166 00
Clothes for patients, including boots and shoes	126 40
Ice	16 00
Salaries and wages	326 00
Taxes and insurance	6 90
Coffins and funerals	36 00
Contingencies	57 60
Repairs, ordinary	88 50
Total	$3,018 06

Government Grant for 1893.

Allowance for Hospital cases, 4,747 days at 20 cents	$949 40
Supplementary allowance, at 10 cents per day	474 70
Allowance for improper cases for Hospital treatment, 92 days at 7 cents	6 44
Total	$1,430 54

INSPECTIONS.

I made an inspection of this Hospital on the 30th May. The old premises which are still occupied, were found in proper order. The new Hospital, in course of erection, is expected to be ready for occupation next fall, and will be equipped with all modern improvements.

There were on this occasion 9 patients under treatment—4 males and 5 females. Five deaths are recorded since the 1st October. The books were correctly kept.

I instructed Mr. Nicholson to make an inspection of this Hospital. A copy of his report is annexed:

As instructed by you I visited the General Hospital, Pembroke, on the 2nd September. There were then 8 males and 5 females under treatment, of whom 5 were typhoid cases; 153 patients have been admitted since the beginning of the year. The Hospital was in good order, and there was nothing in its management calling for special comment. The books are properly kept.

GENERAL HOSPITAL, MATTAWA.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	22	
Admitted	235	
Total number under treatment		257
Discharged	230	
Died	13	
Under treatment, 30th September, 1892	14	
		257

Places Received From.

From the Town of Mattawa	64	
From the County of Renfrew	85	
From other counties in the Province	87	
United States and other countries	21	
		257

Sex.

Male	226	
Female	31	
		257

Nationalities.

Canadian	172	
English	14	
Irish	45	
Scotch	19	
United States	..	
Other countries	7	
		257

Religious Denominations.

Protestant	35	
Roman Catholic	222	
Other religions	..	
		257

The following table gives a summary of certain diseases treated in the General Hospital, Mattawa, during the year:

	No. of cases treated.
Typhoid Fever	35
Typhus "	..
Puerperal "	..
Cerebro Spinal Fever	..
Diphtheria	..
Smallpox	..

Revenue.

From the Province of Ontario	$1,298 70
From patients for maintenance and treatment	962 73
From subscriptions, bequests and donations of private individuals	504 50
From all other sources	708 21
Total	$3,474 14

Expenditures.

Butcher's meat	$563 50
Butter	225 16
Flour, bread and meal	450 50
Milk	154 20
Tea and coffee	90 00
Potatoes and other vegetables	172 89
Groceries and provisions not enumerated	140 20
Drugs and medicines	149 15
Beer, wine and spirits	75 00
Bedding, napery and general house furnishings	173 15
Brooms, brushes, etc	9 85
Fuel	397 00
Light—gas, oil and candles	69 23
Water supply	.....
Hay and straw	135 40
Clothing for patients	121 30
Ice	12 00
Salaries and wages	439 00
Taxes and insurance	.....
Coffins and funerals	40 00
Repairs, ordinary	92 00
Contingencies	31 10
Total	$3,540 63

Government Grant for 1893.

Allowance for Hospital cases, 6,629 days at 20 cents	$1,325 80
Supplementary allowance, of one-fourth of Hospital revenue	543 86
Total	$1,869 66

INSPECTIONS.

I visited the General Hospital, Mattawa, on the 21st April. The building is of brick, well situated on high ground, and is fitted with modern hospital appliances. The wards, dispensary, dining-rooms, bath-rooms, and water-closets, etc., are all in good order.

The water supply is from tanks in the attic, into which it is pumped by a small engine on the premises. There is a good staff of medical men and nurses in attendance, and there were ten patients under treatment at the time of my visit. Since the 1st October last, 179 patients have been received, and several have died. There is accommodation for about forty.

Only a small percentage of the patients pay anything for their care and treatment. A small addition or room near the Hospital has been fitted up during the year for contagious diseases; it will accommodate eight patients.

Other changes since my last visit include a new chapel, laundry, and repairs to the furnace. The books were found to be properly entered up.

I made an inspection of the General Hospital Mattawa, on the 30th May The new building which is in course of erection, will be ready for occupation in the fall it is expected. It is being fitted up with modern improvements and will be very complete.

I found the old building in good order. It is managed by the Sisters of the Roman Catholic Church. There were 4 male and 5 female patients under treatment on the day of my visit; and there had been admitted during the year, 101. Five deaths occurred during that period.

THE JOHN H. STRATFORD HOSPITAL, BRANTFORD.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	30	
Admitted	256	
Births in the Hospital	6	
Total number under treatment		292
Discharged	238	
Died	22	
Under treatment, 30th September, 1892	32	
		292

Places Admitted From.

From the City of Brantford	270	
From the County of Brant	20	
Other counties	1	
United States	1	
		292

Sex.

Male	156	
Female	136	
		292

Nationalities.

Canadian	167	
English	63	
Irish	32	
Scotch	10	
United States	14	
Other countries	6	
	——	292

Religious Denominations.

Protestant	245	
Roman Catholic	47	
Other religions, or not known	....	
	——	292

The following table gives a summary of certain diseases treated in the John H. Stratford Hospital, Brantford during the year:

	No. of cases treated.
Typhoid Fever	34
Typhus "	..
Puerperal "	..
Cerebro Spinal Fever	..
Diphtheria	..
Smallpox	..

Revenue.

From the Province of Ontario	$2,039 02
From the City of Brantford	$2,000 00
From the County of Brant	500 00
From patients for maintenance and treatment	1,709 11
From subscriptions, donations and bequests from private individuals	10 00
From all other sources	63 44
Total	$6,321 57

Expenditures.

Butchers' meat	$478 65
Butter	202 64
Flour, bread and meal	192 75
Milk	371 00
Tea and coffee	42 23

Potatoes and other vegetables	$110 05
Groceries and provisions not enumerated	273 54
Drugs and medicines	285 93
Medical and surgical appliances	44 04
Surgical instruments	.....
Beer, wine and spirits	4 11
Bedding, napery and general house furnishings	321 60
Brooms, brushes, mops, soap and cleaning appliances	57 89
Fuel	742 50
Light—gas, oil and candles	76 78
Water supply	.....
Hay and straw	.....
Clothing for patients, including boots and shoes	.....
Ice	54 00
Salaries and wages	1,156 10
Taxes and insurance	3 90
Coffins and funerals	29 00
Contingencies	210 76
Repairs, ordinary	290 94
Total	$4,948 41

Government Grant for 1893.

Allowance for Hospital cases, 7,676 days at 20 cents	$1,535 20
Supplementary allowance, at 10 cents	767 60
Allowance for improper cases for Hospital treatment, 286 days at 7 cents	20 02
Total	$2,322 82

INSPECTIONS.

The John H. Stratford Hospital, Brantford, was inspected by me on the 7th May. This Hospital is well located on a hill, and has good drainage and ventilation.

Every department was clean and in good order. The patients numbered 18, namely: 12 men, 5 women and 1 child. There is accommodation for 45. About one-seventh of the patients pay for their care and treatment, the rates ranging from $2.80 to $8 per week. Sixteen deaths are recorded since the 1st October.

The building is heated by steam, and supplied with city water and gas. There were 9 nurses in training. The records are well kept.

I made an inspection of the John H. Stratford Hospital, Brantford, on the 22nd October. There were then under treatment, 9 males and 7 females.

All the different departments were in good order, clean and well kept. There has been no change in the premises since my last visit.

ST. JOSEPH'S HOSPITAL, PORT ARTHUR.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	9	
Admitted	156	
Total number under treatment		165
Discharged	125	
Died	20	
Under treatment, 30th September, 1892	20	
		165

Places Admitted From.

From the town of Port Arthur	75	
From the C. P. R. and P. A. & W. Ry's	80	
From other parts of the Province	4	
From other countries	6	
		165

Sex.

Male	145	
Female	20	
		165

Nationalities.

Canadian	54	
English	13	
Irish	15	
Scotch	6	
United States	...	
Other countries	77	
		165

Religious Denominations.

Protestant	81	
Roman Catholic	74	
Other denominations	10	
		165

The following table gives a summary of certain diseases treated in the St. Joseph's Hospital, Port Arthur, during the year:

	No. of cases treated.
Typhoid Fever	49
Typhus "	..
Puerperal "	..
Cerebro Spinal Fever	..
Diphtheria	2
Smallpox	1

Revenue.

From the Province of Ontario	$1,129 21
From the Town of Port Arthur	400 00
From other municipalities in the Province	.....
From paying patients themselves	492 00
From subscriptions, donations, etc.	90 00
Total	$2,111 21

Expenditures.

Butchers' meat	$267 00
Butter	100 00
Flour, bread and meal	200 00
Milk	150 00
Tea and coffee	80 00
Potatoes and other vegetables	100 00
Groceries and provisions not enumerated	155 00
Drugs and medicines	251 89
Surgical instruments	.....
Beer, wine and spirits	100 00
Bedding, etc.	50 00
Brooms, brushes, mops, soap and cleaning appliances	30 00
Fuel	206 00
Light—gas, oil and candles	35 00
Water supply	45 00
Hay and straw	90 00
Clothing for patients, including boots and shoes	120 00
Salaries and wages	335 00
Taxes and insurance	.....
Coffins and funerals	40 00
Contingencies	.....
Repairs, ordinary	95 00
Total	$2,449 89

Government Grant for 1893.

Allowance for Hospital cases 4,434 days at 20 cents	$886 80
Supplementary allowance, one-fourth Hospital revenue	245 50
Allowance for improper cases for Hospital treatment, 37 days at 7 cents	2 59
Total	$1,134 89

INSPECTION.

I made an inspection of St. Joseph's Hospital, Port Arthur, on the 29th August. There were 19 patients on that day. The number treated since the 1st October was 137, and 19 died during the same period.

The wards and private rooms were all in good order, being clean and well cared for.

The building is heated with hot water. The dispensary, nurses' apartments and bath-rooms were also in the best of order.

About one-third of those treated are paying patients, paying from four to seven dollars per week.

Water for bathing and water-closet purposes, and electric lighting, are two very desirable improvements. The books were found to be correctly kept, and the management commendable.

BELLEVILLE HOSPITAL, BELLEVILLE.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	15	
Admitted	177	
Births in Hospital	....	
Total number under treatment	——	192
Discharged	174	
Died	12	
Under treatment, 30th September, 1892	6	
	——	192

Places Admitted From.

From the City of Belleville	126	
From the County of Hastings	52	
Other counties	14	
Other countries	....	
	——	192

Sex.

Male	103	
Female	89	
	——	192

Nationalities.

Canadian	119	
English	24	
Irish	31	
Scotch	12	
United States	2	
Other countries	4	
	——	192

Religious Denominations.

Protestant	150	
Roman Catholic	42	
Other religions, or not known	....	
	——	192

The following table gives a summary of certain diseases treated in the Belleville Hospital during the year:

	No. of cases treated.
Typhoid Fever	11
Typhus "	..
Puerperal "	..
Cerebro Spinal Fever	..
Diphtheria	6
Smallpox	..

Revenue.

From the Province of Ontario	$782 06
From the City of Belleville	450 00
From the County of Hastings	59 00
From patients for maintenance and treatment	1,210 50
From subscriptions, donations and bequests from private individuals	1,476 55
From other sources	164 34
Total	$4,142 45

Expenditures.

Butchers' meat	$295 92
Butter	185 16
Flour, bread and meal	131 41
Milk	188 53
Tea and coffee	109 05
Potatoes and other vegetables	99 25
Groceries and provisions not enumerated	296 67
Drugs and medicines	273 60
Medical and surgical appliances	155 58
Beer, wine and spirits	54 25
Bedding, napery and general house furnishings	218 39
Brooms, brushes, mops, soap and cleaning appliances	44 80
Fuel	583 20
Light—gas, oil and candles	62 12
Water	.....
Hay and straw	5 00
Clothing for patients	68 95
Ice supply	16 75
Salaries and wages	1,358 55
Taxes and insurance	.....
Contingencies	110 63
Coffins and funerals	.....
Repairs, ordinary	231 91
Total	$4,489 72

Government Grant for 1893.

Allowance for Hospital cases, 5,856 days at 20 cents	$1,171 20
Supplementary allowance at 10 cents	585 60
Allowance for improper cases for Hospital treatment, 66 days at 7 cents	4 62
Total	$1,761 42

INSPECTIONS.

I made an inspection of the Belleville Hospital on the 5th February. There were 20 patients under treatment, namely, 11 males and 9 females. One third of the patients pay from $2 to $7 per week.

Every department of the Hospital was in good order. There are ten trained nurses in attendance. There is accommodation for 32 patients. The books were found to be correctly kept.

I made an inspection of the Belleville Hospital on the 30th November. There were 15 patients under treatment—7 men and 8 women. All the different departments were in excellent order.

Gas for lighting was being placed in the building, and will be much more convenient and safer than the coal oil lamps.

The management is arranging for building a wing to the Hospital, to be used as a maternity department. The books were well kept.

ST. VINCENT DE PAUL HOSPITAL, BROCKVILLE.

The operations of this Hospital during the period under report are indicated in the following summary :

Remaining under treatment 1st October, 1891	12	
Admitted	108	
Number of births in the Hospital	..	
Total number under treatment		120
Discharged	98	
Died	11	
Under treatment on 30th September, 1892	11	
		120

Places Admitted From.

From the Town of Brockville	72	
From the County of Leeds	25	
From other counties in the Province	18	
From other countries	5	
		120

Sex.

Males	45	
Females	75	
	——	120

Nationalities.

Canadian	79	
English	11	
Irish	18	
Scotch	3	
United States	6	
Other countries	3	
	——	120

Religious Denominations.

Protestant	59	
Roman Catholic	61	
Other religions (or not known)	..	
	——	120

The following table gives a summary of certain diseases treated in the St. Vincent de Paul Hospital, Brockville, during the year:

	No. of cases treated.
Typhoid Fever	15
Typhus "	..
Puerperal "	..
Cerebro Spinal Fever	..
Diphtheria	..
Smallpox	..

The two annexed statements shew the revenue and expenditure respectively of the Hospital during the year:

Revenue.

From the Province of Ontario	$846 91
From the Town of Brockville	260 00
From paying patients themselves	955 35
Subscriptions, donations and bequests of private individuals in cash	199 30
From all sources not enumerated	140 00
	$2,401 56

Expenditure.

Butchers' meat	$295 50
Butter	100 00
Flour, bread and meal	100 39
Milk	120 00
Tea and coffee	79 00
Potatoes and other vegetables	87 48
Groceries and provisions not enumerated	268 35
Drugs and medicines and medical appliances	119 00
Beer, wine and spirits	55 75
Bedding, napery and general house furnishings	135 73
Brooms, brushes, mops, soap and cleaning appliances	50 00
Fuel	250 00
Light—gas, oil and candles	68 50
Water	.....
Hay and straw	.....
Clothing for patients, including boots and shoes	85 40
Ice supply	.....
Salaries and wages	125 75
Coffins and funerals	.....
Contingencies	87 20
Repairs, ordinary	140 00
Total expenditure for maintenance	$2,168 05

Government Grant for 1893.

Allowance of 20 cents per day on 4,337 days' treatment of patients	$867 40
Supplementary allowance of one-fourth of Hospital revenue	388 66
Total	$1,256 06

INSPECTIONS.

I inspected the St. Vincent de Paul Hospital, Brockville, on the 7th March. There is change to be noted in the condition of this Hospital since my last visit.

The management are fitting up a new building in the town which will be more convenient for hospital purposes. There were 8 patients under treatment on this occasion; 40 had been admitted since the 1st October; and 3 deaths had occurred during that period. The rooms were clean and neat and management commendable.

I inspected the St. Vincent de Paul Hospital, Brockville, on the 27th September. There were under treatment on that day two men and seven women.

There have been admitted since the 1st October 106 patients, and 11 have died. There has been no change in the building or premises since my last visit. The new building is expected to be ready for occupation some time this fall. The books were found to be properly kept.

THE BROCKVILLE GENERAL HOSPITAL.

The following summaries shew the operations of this Hospital during the official year:

Number under treatment on the 30th September, 1891	16	
Number admitted	153	
Number of births	2	
Total number under treatment		171
Discharged	144	
Died	11	
Remaining under treatment on the 30th September, 1892	16	
		171

Places Admitted From.

From the Town of Brockville	108	
From the Counties of Leeds and Grenville	57	
From other counties in the Province	4	
From the United States	2	
Other countries	..	
		171

Sex.

Male	73	
Female	98	
		171

Nationalities.

Canadian	106	
English	12	
Irish	19	
Scotch	19	
United States	9	
Other countries	6	
		171

Religious Denominations.

Protestant	166	
Roman Catholic	3	
Other religions, or not known	2	
		171

The following table gives a summary of certain diseases treated in the Brockville General Hospital during the year:

	No. of cases treated.
Typhoid Fever	12
Typhus "	..
Puerperal "	..
Cerebro Spinal Fever	..
Diphtheria	6
Smallpox	..

Revenue.

From the Province of Ontario	$1,515 74
From the Town of Brockville	....
From the Counties of Leeds and Grenville	200 00
From paying patients	2,249 09
From property belonging to the Hospital	305 00
From subscriptions, bequests, and donations of private individuals	828 72
From other sources, not enumerated	1,140 75
Total	$6,239 30

Expenditures.

Butchers' meat	$ 472 12
Butter	244 29
Flour, bread and meal	140 80
Milk	240 00
Tea and coffee	119 05
Potatoes and other vegetables	77 40
Groceries and provisions, not enumerated	406 51
Drugs and medicines	390 00
Medical and surgical appliances	52 50
Beer, wine and spirits	69 50
Bedding, napery and general house furnishings	459 09
Brooms, brushes, mops, soap and cleaning appliances	40 00
Fuel	616 46
Light—gas, oil and candles	.....
Water supply	25 00
Hay and straw	.....
Clothing for patients, including boots and shoes	.....
Ice supply	.....
Salaries and wages	1,043 50
Taxes and insurance	35 00
Coffins and funerals	.....
Contingencies	.....
Repairs, ordinary	36 39
Total	$4,467 61

Government Grant for 1893.

Allowance for 5,951 days' treatment of patients, at 20 cents per day	$1,190 20
Supplementary allowance, at 10 cents	595 10
Allowance for improper cases for Hospital treatment, 471 at 7 cents per day	32 97
Total	$1,818 27

INSPECTIONS.

I inspected the General Hospital, Brockville, on the 7th March. This Institution is well located and has good drainage and ventilation. It is supplied with water from the town service, and is lighted with electric lights.

I found every department in the best of order, and the books well kept. There were 16 patients on the day of my visit, one-third of whom pay from $3 to $10 per week. There have been admitted since the 1st October 60 patients, during which time two deaths have occurred.

I made an inspection of the General Hospital, Brockville, on the 27th September. The patients under treatment numbered 18, namely, 8 men and 10 women. The number treated since the 1st October was 150, and the number of deaths was 10.

A new fire escape has been placed in the building. All departments were in good order, and the books entered up to date.

GENERAL AND MARINE HOSPITAL, COLLINGWOOD.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	3	
Admitted	48	
Number of births in the Institution during the year	1	
Total number under treatment		52
Discharged	38	
Died	7	
Under treatment, 30th October, 1892	7	
		52

Places Received From.

From the Town of Collingwood	20	
From the County of Simcoe	16	
From other counties in the Province	10	
From United States	5	
From other countries	1	
		52

Sex.

Male	25	
Female	27	
		52

Nationalities.

Canadian	31	
English	10	
Irish	1	
Scotch	4	
United States	5	
Other countries	1	
		52

Religious Denominations.

Protestant	47	
Roman Catholic	5	
Other religions	..	
		52

The following table gives a summary of certain cases treated in the General and Marine Hospital, Collingwood, during the year:

	No. of cases treated.
Typhoid fever	..
Typhus "	...
Puerperal "	..
Cerebro Spinal fever	..
Diphtheria	..
Smallpox	..

Revenue.

Received from the Province of Ontario	$186 85
From the Town of Collingwood	140 00
From the County of Simcoe	215 00
From paying patients	228 60
Subscriptions, donations, etc.	562 90
From sources not enumerated	269 54
Total	$1,602 89

Expenditures.

Butchers' meat	$107 82
Butter	41 79
Flour, bread and meal	38 88
Milk	64 38
Tea and coffee	10 46
Potatoes and other vegetables	11 55
Groceries and provisions not enumerated	131 48
Drugs and medicines	59 61
Surgical appliances	3 30
Beer, wine and spirits	12 98
Bedding, napery and general house furnishings	123 17
Brooms, brushes, mops, etc.	14 10
Fuel	161 50
Light—gas, oil and candles	26 99
Water supply	15 00
Hay and straw	.....
Clothing	.....
Ice	1 50
Salaries and wages	548 57
Taxes and insurance	6 67
Contingencies	60 50
Repairs, ordinary	75 35
Interest and rent	.....
Total	$1,515 60

Government Grant for 1893.

Allowance for Hospital cases, 1,694 days at 20 cents	$338 80
Supplementary allowance, at 10 cents	169 40
Allowance for improper cases for Hospital treatment, 66 days at 7 cents	4 62
Total	$512 82

THE NICHOLS HOSPITAL, PETERBOROUGH.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	14	
Admitted	174	
Births in Hospital	....	
Total number under treatment		188
Discharged	151	
Died	16	
Under treatment 30th September, 1892	21	
		188

Places Received From.

From the Town of Peterborough	146	
From the County of Peterborough	....	
From other Counties of the Province	42	
From the United States	....	
From other countries	....	
		188

Sex.

Male	94	
Female	94	
		188

Religious Denominations.

Protestant	185	
Roman Catholic	....	
Other religions, or not known	3	
		188

Nationalities.

Canadian	114
English	38
Irish	18
Scotch	7
United States	1
Other countries	10
	188

The following table gives a summary of certain cases treated in the Nichols Hospital, Peterborough, during the year.

	No. of cases treated.
Typhoid Fever	17
Typhus Fever	..
Puerperal Fever	..
Cerebro Spinal Fever	..
Diphtheria	6
Smallpox	..

Revenue.

From the Province	$ 702 34
From the Town of Peterborough	1,000 00
From patients themselves, for maintenance and treatment	1,504 00
From property belonging to the Hospital, endowments, etc.	4,232 71
From subscriptions, donations, and bequests from private individuals	94 00
From other sources	239 75
	$7,772 80

Expenditures.

Butcher's meat	$ 444 30
Butter	99 21
Flour, bread and meal	234 45
Milk	207 02
Tea and coffee	80 00
Potatoes and other vegetables	467 05
Groceries and provisions, not enumerated	585 02
Drugs and medicines	631 40
Surgical instruments and appliances	77 96
Beer, wine and spirits	87 00
Bedding, napery and general house furnishings	1,086 95
Brooms, brushes, mops, soap and cleaning appliances	40 00
Fuel	1,265 44
Light—gas, oil and candles	244 84
Water supply	124 77
Clothing for patients	5 00
Ice	31 00
Salaries and wages	2,595 50

Taxes and insurance	$122 00
Hay and straw	70 95
Contingencies	410 45
Repairs, ordinary	748 10
Total	$9,658 41

Government Grant for 1893.

Allowance for Hospital cases, 6,901 days at 20 cents per day	$1,380 20
Supplementary allowance, at 10 cents	690 10
Allowance for improper cases for Hospital treatment, 248 days at 7 cents per day	17 36
Total	$2,087 66

INSPECTIONS.

I made an inspection of the Nichols Hospital, Peterborough, on the 14th January. On that day there were 17 patients—7 men, 9 women, and 1 child. The public wards and private rooms are well looked after. Every department of the Hospital is convenient and well arranged for the treatment of the sick. A new wing has been added during the past year, to be used for contagious diseases. It is fitted up with all modern conveniences, and can be kept entirely separate from the main institution when necessary.

Mr. Mann made the second inspection of this Hospital. He reported as follows:

As instructed by you I made an inspection of the Nichols Hospital, in the Town of Peterborough, on the 20th Sept., of this year, on which date there were 20 patients in the Hospital—8 males and 12 females, most of whom were progressing to convalescence. The proper working of this Institution was rather impeded owing to the illness of the Superintendent and no less than four of the nurses, who were suffering from fevers. Additional aid was being procured and no doubt if proper precaution is exercised no serious results will follow. Additional help was being obtained from Toronto. I examined the books and the building generally and found everything satisfactory.

ST. JOSEPH'S HOSPITAL, PETERBOROUGH.

The following summaries show the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	10	
Admitted	100	
Births in Hospital	....	
Total number under treatment		110
Discharged	85	
Died	11	
Under treatment, 30th September, 1892	14	
		110

Places Received From.

From the Town of Peterborough	30	
From the County of Peterborough	44	
From other counties of the Province	6	
From the United States	5	
From other countries	25	
		110

Sex.

Male	56	
Female	54	
		110

Religious Denominations.

Protestant	12	
Roman Catholic	98	
		110

Nationalities.

Canadian	47	
English	2	
Irish	46	
Scotch	2	
United States	3	
Other countries	10	
		110

The following gives a summary of certain cases treated in the St. Joseph's Hospital, Peterborough, during the year:

	No. of cases treated.
Typhoid Fever	9
Typhus Fever	..
Puerperal Fever	..
Cerebro Spinal Fever	2
Diphtheria	..
Smallpox	..

Revenue.

From the Province	$1,566 30
From the Town of Peterborough	.....
From patients themselves for maintenance and treatment	382 00
From property belonging to the Hospital	.....
From subscriptions, donations and bequests from private individuals	657 20
From all other sources	300 00
	$2,905 50

Expenditures.

Butcher's meat	$204 00
Butter	87 50
Flour, bread and meal	148 50
Milk	45 25
Tea and coffee	73 00
Potatoes and other vegetables	51 00
Groceries and provisions, not enumerated	265 00
Drugs and medicines	258 75
Surgical instruments and appliances	137 50
Beer, wine and spirits	73 00
Bedding, napery and general house furnishings	197 00
Brooms, brushes, mops, soap and cleaning appliances	68 00
Fuel	450 00
Light—gas, oil and candles	65 50
Hay and straw	46 00
Clothing for patients	59 00
Ice	10 00
Salaries and wages	560 00
Taxes and insurance	.....
Coffins and funerals	69 00
Contingencies	209 00
Repairs, ordinary	151 00
Total	$3,228 00

Government Grant for 1893.

Allowance for Hospital cases, 2,768 days at 20 cents per day	$553 60
Supplementary allowance, at 10 cents	276 80
Allowance for improper cases for Hospital treatment, 202 days at 7 cents per day	14 14
Total	$844 54

INSPECTIONS.

St. Joseph's Hospital, Peterborough, was inspected by me on the 14th January. There were on that date 14 patients—9 males and 5 females. The Hospital was found to be in good order in all its departments, and the records were correctly kept.

Mr. Mann made the second inspection of this Hospital and reported as follows:

According to your instructions, I made an inspection of this Hospital on the 20th September, 1892. There were on this date 5 male and 5 female patients in the Institution receiving treatment for various complaints. The work of this Hospital is progressing favorably without much variation, and it has every appearance of being ably managed. I found the building very tidy, and clean. The books were also in proper form.

HOTEL DIEU HOSPITAL, WINDSOR.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment 1st, October, 1891	12	
Admitted	128	
Total number under treatment		140
Discharged	117	
Died	5	
Under treatment 30th September, 1892	18	
		140

Places Received From.

From the Town of Windsor	74	
From the County of Essex	31	
From other counties of the Province	14	
From United States	20	
From other countries	1	
		140

Sex.

Male	68	
Female	72	
	——	140

Nationalities.

Canadian	73	
English	14	
Irish	19	
Scotch	2	
United States	20	
Other countries	12	
	——	140

Religious Denominations.

Protestant	57	
Roman Catholic	83	
	——	140

The following table gives a summary of certain diseases treated in the Hotel Dieu Hospital, Windsor, during the year:

	No. of cases treated.
Typhoid Fever	1
Typhus "	..
Puerperal "	..
Cerebro Spinal Fever	..
Diphtheria	1
Smallpox	..

Revenue.

From the Province of Ontario	$1,066 20
From the Town of Windsor	195 38
From the County of Essex	314 15
From patients themselves, for maintenance and treatment	1,549 94
Subscriptions, donations and bequests	235 71
From other sources not enumerated	2,820 16
Total	$6,181 54

Expenditures.

Butchers' meat	$333 08
Butter	182 17
Flour, bread and meal	172 15
Milk	190 24
Tea and coffee	48 23
Potatoes and other vegetables	105 39

Groceries and provisions not enumerated	$151 32
Drugs and medicines	202 67
Medical and surgical appliances	70 00
Surgical instruments	10 00
Beer, wine and spirits	30 61
Bedding, napery and general house furnishings	153 35
Brooms, brushes, mops, soap and cleaning appliances	168 23
Fuel	429 50
Light—gas, oil and candles	21 30
Water supply	10 80
Hay and straw	93 95
Clothing for patients, including boots and shoes	85 11
Ice	5 00
Salaries and wages	283 22
Taxes and insurance	307 72
Contingencies	613 44
Repairs, ordinary	165 57
Total	$3,833 05

Government Grant for 1893.

Allowance for Hospital cases, 3,761 days at 20 cents per day	$752 20
Supplementary allowance of 10 cents	376 10
Allowance for improper cases for Hospital treatment, 134 days at 7 cents	9 38
Total	$1,137 68

INSPECTIONS.

I made an inspection of the Hotel Dieu Hospital, Windsor, on the 26th June. On that day there were 13 patients—6 men and 7 women.

Every department, from the basement to the attic was clean and in good order

The building is heated with hot water and supplied with town water and gas. There is now accommodation for 75 patients. Admissions since the 1st October, 72 ; deaths, 2. Books well kept.

I beg to report that I made an inspection of the Hotel Dieu Hospital, Windsor, on the 19th October. The patients then under treatment numberd 14, 7 men 6 women and one child. There were 5 deaths during the year.

The dormitories, private rooms, dining-rooms, dispensary, bath-rooms, and water-closets were in good order. The books also were properly kept.

ST. JOSEPH'S HOSPITAL, CHATHAM.

The following summaries show the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	11	
Admitted	103	
Births in Hospital	....	
Total number under treatment		114
Discharged	82	
Died	10	
Under treatment, 30th September, 1892	22	
		114

Places Received From.

From the Town of Chatham	62	
From the County of Kent	47	
From other counties of the Province	5	
From the United States	....	
From other countries	....	
		114

Sex.

Male	63	
Female	51	
		114

Religious Denominations.

Protestant	68	
Roman Catholic	46	
		114

Nationalities.

Canadian	74	
English	10	
Irish	17	
Scotch	5	
United States	5	
Other countries	3	
		114

The following table gives a summary of certain cases treated in the St. Joseph's Hospital, Chatham, during the year.

	No. of cases treated.
Typhoid Fever	25
Typhus "	....
Puerperal "	....
Cerebro Spinal Fever	....
Diphtheria	....
Smallpox	....

Revenue.

From the Province of Ontario	....
From the Town of Chatham	86 00
From the County of Kent	44 00
From patients for maintenance and treatment	887 00
From subscriptions, donations and bequests from private individuals	1,212 00
From other sources	83 00
Total	$2,312 00

Expenditures.

Butchers' meat	$81 67
Butter	75 00
Flour, bread and meal	60 67
Milk	85 72
Tea and coffee	....
Potatoes and other vegetables	....
Groceries and provisions not enumerated	329 70
Drugs and medicines	71 54
Medical and surgical appliances	....
Beer, wine and spirts	31 93
Bedding, napery and general house furnishings	798 91
Brooms, brushes, mops, soap and cleaning appliances	...
Fuel	218 08
Light—gas, oil and candles	50 50
Water	....
Hay and straw	....
Clothing for patients	....
Ice supply	12 00
Salaries and wages	121 80
Taxes and insurance	....
Contingencies	34 90
Coffins and funerals	....
Repairs, ordinary	....
Total	$1,972 42

Government Grant for 1893.

Allowance for Hospital cases 4,061 days at 20 cents	$812 20
Supplementary allowance at 10 cents	406 10
Total	$1,218 30

INSPECTIONS.

I beg to report that I visited the St. Joseph's Hospital, Chatham, on the 15th September.

The Institution was opened on the 1st October 1890, in temporary premises leased for the purpose. A new building is now being erected, at a cost of $17,000, which will accommodate from 40 to 50 patients. This will be ready for occupation at an early day.

There were 7 patients under treatment at the time of my visit, and the number admitted since the 1st October, 1890 is 62. There were 4 deaths during that period. About one-third of the patients contribute from $2.50 to $6 per week. The building was in satisfactory order; the patients' rooms were clean and well kept. There is a good staff of nurses and medical men in attendance.

The Sisters of St. Joseph having made application to have their Institution placed upon the list of charities receiving aid, I have the honour to recommend that an Order in Council be passed, ordering that the St. Joseph's Hospital Chatham, be taken as named in Schedule "C" of the Charity Aid Act, and receive aid accordingly.

I made an inspection of the St. Joseph's Hospital, Chatham, on the 25th June. This is a new brick building, three stories high, well located on the banks of the River Thames. It is heated with hot water, and supplied with town water and gas. The ventilation and drainage are good, and the plumbing is very complete. There are three acres of land.

The Institution has now thirty-two beds, with room for twenty more when required. The public and private wards and rooms, the basement dining-rooms, wash-rooms and water-closets were all in good order. There were nine patients under treatment, 5 men and 4 women. About two-thirds of the patients pay from $2 to $6 per week. Admissions during the year, 80; deaths, 7. The books were found to be correctly kept, and the Institution is evidently well managed.

I beg to report that I made an inspection of the St. Joseph's Hospital, Chatham, on the 17th October. There were on that day, 17 patients, 8 men, 8 women and 1 child. I found every department in good order. There is a good staff of nurses and medical officers.

The building is heated with hot water, and supplied with water from the town water-works, and lighted with gas. The ventilation and drainage are good. The books are well kept.

GENERAL HOSPITAL, STRATFORD.

The following summaries shew the operations of this Hospital during the official year:

Movements of Patients.

Number under treatment, 1st October, 1891	10	
Admitted	73	
Total number under treatment		83
Discharged	70	
Died	8	
Under treatment, 30th September, 1892	5	
		83

Places Received From.

From the City of Stratford	57	
From the County of Perth	22	
From other Counties in the Province	3	
From the United States	1	
From other countries	..	
		83

Sex.

Male	40	
Female	43	
	——	83

Nationalities.

Canadian	42	
English	20	
Irish	4	
Scotch	9	
United States	5	
Other countries	3	
	——	83

Religious Denominations.

Protestant	72	
Roman Catholic	11	
Other religions	..	
	——	83

The following table gives a summary of certain diseases treated in the General Hospital, Stratford, during the year:

	No. of cases treated
Typhoid Fever	8
Typhus "	..
Puerperal "	..
Cerebro Spinal Fever	..
Diphtheria	..
Smallpox	..

Revenue.

Received from the Province of Ontario	.....
From the City of Stratford	500 00
From the County of Perth	300 00
From paying patients	1,950 13
Subscriptions, donations, etc.	613 50
From sources not enumerated	850 44
Total	$4,214 07

Expenditures.

Butchers' meat	$205 56
Butter	89 77
Flour, bread and meal	119 75
Milk	117 32
Tea and coffee	29 92
Potatoes and other vegetables	41 21
Groceries and provisions not enumerated	227 67
Drugs and medicines	153 82
Surgical instruments and appliances	91 83
Beer, wine and spirits	61 43
Bedding, napery and general house furnishings	155 89
Brooms, brushes, mops, etc	4 00
Fuel	528 62

Light—gas, oil and candles	$94 30
Water supply	54 17
Hay and straw	.. ..
Clothing	.. ..
Ice	10 50
Salaries and wages	991 50
Taxes and insurance, rent and interest	... ...
Contingencies	232 52
Repairs, ordinary	5 84
Total	$3,215 62

Government Grant for 1893.

Allowance for Hospital cases 3,435 days at 20 cents	$ 687 00
Supplementary allowance at 10 cents	343 50
Allowance for improper cases for Hospital treatment, 45 days at 7 cents	3 15
Total	$1,033 65

INSPECTIONS.

The trustees of the General Hospital, Stratford, having made application to have their Institution placed upon the list for aid, under the Charity Aid Act, I made an inspection of this Hospital on the 6th October, and beg to report as follows:

It is well located on high ground near the city. The building is of brick, three stories in height. The grounds are five acres in extent, and there is good drainage. Only one-half of the building is completed at present, but the accommodation thus afforded is quite sufficient for immediate requirements; and it is the intention of the committee of management to proceed with the work on the other half of the structure without delay.

The building is heated with hot water and lighted with gas. The water supply is from the city water-works. The fittings and plumbing in the bath-rooms and water-closets are of the most improved designs and construction.

The dining-room and kitchen are on the third floor, the first and second floors being occupied for hospital purposes.

The operating room, dispensary, and private wards are well arranged and fitted up.

The Hospital was opened for the reception of patients on the 7th May, 1891, and up to the date of this inspection thirty patients have been received, sixteen have been discharged and four have died.

The staff consists of lady superintendent, two nurses, one male and two female servants.

All the city physicians are on the medical staff.

The Trust Board of this Hospital having asked to have it reported upon with a view to its being recognized under the provisions of the Charity Aid Act.

I have the honour to recommend that an Order in Council be passed ordering that the General Hospital, Stratford, be taken as named in Schedule "A" of the Charity Aid Act, and that it receive aid accordingly.

I inspected the General Hospital, Stratford, on the 10th May. The building occupied is a new brick structure four stories in height. It is heated with hot water and is supplied with city water and gas. The drainage and ventilation are good. The public wards, dispensary, operating room and private rooms were all clean and in nice order. There were 10 patients under treatment, 4 men and 6 women. Admitted during the year, 45; deaths, 3. Most of the patients pay from $2 to $10 per week. There are three nurses and a good staff of medical officers in attendance.

The bath-rooms, water-closets and wash-rooms were well fitted up and in good condition. The books were found to be properly kept.

I visited the General Hospital, Stratford, on the 14th Sept.

This is a new Hospital, well situated, having good drainage and grounds. The building is heated with hot water and is supplied with city water, and lighted with gas. Every department was in good order, and there is a good staff of nurses and medical officers. There were 5 patients—2 males and 3 females under treatment. The number of patients received since the 1st October was 72. The number of deaths during same period was 9.

No. 39.

Report of the House of Industry and Refuge, County of Elgin. Presented to the Legislature, 10th April, 1893. (*Not printed.*)

No. 40.

Report on the House of Industry, County of York. Presented to the Legislature, 10th April, 1893. (*Not printed.*)

RETURN

To an Order passed by the Legislative Assembly on the 6th day of April, 1892, for a Return shewing the expenditure in each year since the system of Fire Ranging has been established for that Service, the amount of Refunds in each year, and the amount remaining unpaid on account of the Licensees' share of the expenditure.

J. M. GIBSON,
Secretary.

Provincial Secretary's Office,
Toronto, April 10th, 1893.

RETURN

Shewing the expenditure in each year, since the system of Fire Ranging has been established, for that the service, amount of Refunds in each year, and the amount remaining unpaid on account of the Licensees' share of expenditure, prepared in compliance with a resolution of the honourable, the Legislative Assembly, dated the 6th April, 1892.

Season.	Total amount paid for Fire Ranging.	Amount paid by the Department for Fire Ranging on Crown Lands.	Amount refunded by Licensees to the Department.	Amount of Licensees' proportion of expenditure remaining unpaid.	Remarks.
	$ c.	$ c.	$ c.	$ c.	
1885	7,911 00	.....	3,945 50	10 00	*Note.—Since the end of the year 1891 the Department has received refunds on account of the balance of $3,995.11 remaining unpaid then, amounting to $3,389.85, leaving a balance of $605.26 still unpaid.
1886	9,847 75	31 00	4,908 38	.....	
1887	10,770 03	151 34	5,242 36	67 00	
1888	24,113 08	234 90	11,939 54	.....	
1889	15,460 32	686 50	6,961 69	457 00	
1890	17,525 43	716 80	6,848 32	1,556 00	
1891	19,914 69	1,398 11	7,353 18	1,905 11	
	105,542 30	3,217 75	47,198 97	*3,995 11	

AUBREY WHITE,
Assistant Commissioner Crown Lands.

Department of Crown Lands,
Toronto, April 1st, 1893.

No. 42.

Copy of an Order in Council approving of certain agreements in regard to publication of Text-Books. Presented to the Legislature, 11th April, 1893. (*Not printed.*)

No. 43

Copy of an Order in Council respecting a certain indenture of agreement in regard to the publication of the High School French Grammar. Presented to the Legislature, 11th April, 1893. (*Not printed.*)

No. 44.

Copy of an Order in Council respecting the appointment of Lecturers at the School of Pedagogy for the Session of 1892-93. Presented to the Legislature, 11th April, 1893. (*Not printed.*)

No. 45.

Copy of an Order in Council raising the High School at Goderich to the status of a Collegiate Institute. Presented to the Legislature, 11th April, 1893. (*Not printed.*)

No. 46.

Copy of an Order in Council relating to the establishment of a High School at Niagara Falls. Presented to the Legislature, 11th April, 1893. (*Not printed.*)

No. 47.

Copy of an Order in Council respecting the establishment of a High School at Toronto Junction. Presented to the Legislature, 11th April, 1893. (*Not printed.*)

No. 48.

Copy of an Order in Council respecting the performance, during his absence through illness, of certain of the duties of the Inspector of Model Schools. Presented to the Legislature, 11th April, 1893. (*Not printed.*)

RETURN

To an Order of the Legislative Assembly passed in the 17th day of March, 1892, for a Return shewing the number of Liquor Licenses issued in each year from 1876 to 1891, both inclusive; the gross fund raised from Licenses in each of the same years; the sums paid out of the said fund in each of the same years to the Province and the Municipalities respectively, and the sums the Municipalities have imposed by by-law over and above the Statutory Duties in each of the same years.

By Command,

J. M. GIBSON,
Secretary.

Provincial Secretary's Office,
Toronto, April 12th, 1893.

RETURN shewing the number of liquor licenses issued in each year from 1876 to 1891, both inclusive; the gross fund raised from licenses in each of the same years; the sums paid out of the said fund in each of the same years to the Province and the municipalities respectively, and the sums the municipalities have imposed by by-laws over and above the Statutory Duties in each of the same years.

1 License Fee.	2 No. of yearly licenses issued.	3 No. of 6 month licenses issued.	4 Total No. of licenses issued.	5 Gross amount raised for licenses, etc,	6 Amount paid to the Province.	7 Amounts paid to the Municipalities.	8 Excess over Statutory Duties imposed by Municipal by-laws.
				$ c.	$ c.	$ c.	$ c.
1876-7.	3938	.....	3938	439,457 96	79,589 81	281,243 58	No record.
1877-8.....	3676	15	3691	375,228 98	77,516 55	249,166 55	do
1878-9.....	3715	14	3729	363,620 33	75,213 05	229,902 52	do
1879-80.....	4020	29	4049	413,013 79	87,198 19	269,647 28	101,851 04
1880-1.....	4049	24	4073	408,798 76	89,207 14	271,574 69	102,650 03
1881-2	4133	30	4163	423,482 71	91,948 75	258,945 44	103,461 26
1882-3.....	4163	33	4196	433,052 87	93,523 28	284,379 79	106,524 76
1883-4	4201	32	4233	443,095 40	93,225 70	287,246 31	105,349 33
1884-5.....	3970	27	3997	538,714 24	192,867 02	283,589 80	117,856 50
1885-6..... ..	3132	35	3167	450,072 97	165,285 62	231,433 91	93,434 20
1886-7.....	1974	26	2000	401,481 65	216,455 78	153,716 59	60,436 50
1887-8.....	1862	24	1886	392,675 17	201,542 45	156,979 89	69,801 00
1888-9.....	2445	40	2485	470,855 50	232,511 55	190,297 79	87,407 00
1889-90..... ..	3560	49	3609	680,560 55	307,281 02	297,353 45	162,008 00
1890-1.....	3523	55	3578	680,298 68	308,200 17	294,968 26	156,400 75

PROVINCIAL TREASURER'S OFFICE, LICENSE BRANCH,
Toronto, April 11th, 1893.

RETURN

To an Order of the Legislative Assembly, passed on the 23rd day of March, 1892, for a Return of copies of all correspondence between Mr. Inspector White and the Board of Separate School Trustees of the City of Ottawa, together with copies of all Reports made by the Inspector to the said Board with reference to the Separate Schools of the City, during the year 1891.

J. M. GIBSON,
Secretary.

Provincial Secretary's Office,
Toronto, April 12th, 1893.

RETURN

Of Copies of Correspondence between Mr. Inspector White and the Board of Separate School Trustees of the City of Ottawa; and of Reports made by the Inspector to the said Board with reference to the Separate Schools of the City during the year 1891.

PAGE.

Correspondence ..... None.

Special Report by Mr. J. F. White, Inspector on the French section of the Ottawa City Separate Schools 4

OTTAWA SEPARATE SCHOOLS—FRENCH SECTION.

Special Report.

J. F. White, Inspector, Separate Schools.

1. There are too frequent changes of teachers. Where a teacher is succeeding well with a class there should be no change from year to year.

2. In the lowest classes there are many pupils of rather advanced age for such divisions. This is said to be owing to a lack of accommodation, so that pupils have to wait till they are six or seven before they can be admitted. It is said that many children from St. Joseph's Parish and from Primrose Hill are unable to gain admittance to school.

3. The Board should sanction some uniform limit table, so that the same grade of the different schools, whether for boys or for girls, should do similar work. At present there is no attempt to secure such uniformity.

4. During each school term there should be written examinations on all, or on the most important subjects of the course, uniform for the same grade of boys' and girls' classes. These would test the progress of the several classes, and should be made the basis of promotion in part.

5. To avoid misunderstandings, the control of such examinations should not be left to the teachers, but confided to some committee appointed by the Trustees.

6. By the regulations of the Education Department, English is to be taught in every class and to all the pupils in the class. There is considerable room for improvement in this respect.

7. In the girls' classes there is fair provision for English teaching by having the three Sisters now in charge of the subject devote their whole time to it. But in the boys' classes the provision is quite inadequate. LaSalle and St. Jean Baptiste Schools, with a total staff of seventeen, have no English teacher; there is one in Brebeuf, but being teacher of the highest department, he has not time enough to devote to English teaching. Few of the regular teachers of these classes have a full enough acquaintance with English to teach it properly. In these circumstances I advise the engagement of at least three Brothers whose whole time may be devoted to the proper teaching of English in the above-mentioned schools.

8. In many cases the pupils have too many text-books, entailing a needless expense on parents and not encouraging good teaching. I would advise the Board to get from each teacher under its control a list of the books used in his or her department and strike off such as are unnecessary, giving proper notice of the discontinuance. If the list is submitted to me I shall be glad to assist in this work.

9. The De LaSalle series of English readers should be changed, as being quite unsuitable for the purpose for which they are now used. Should they be continued in the Schools after September next it would be my duty to report publicly against them.

10. Such books as "Devoir du Chrétien," "Cours d'Histoire" and "Les Manuscrits," though thoroughly Catholic in tone and of use in their place, are not suitable books from which to teach reading, and should be changed. So also should the Latin Psalms. The school law requires the trustees of urban schools to have pupils supplied with uniform books.

11. In general the pupils of the junior classes are weak, and far below the standard. Instead of beginning writing, drawing and arithmetic in the lowest classes, they have sometimes been delayed till the pupil has reached the second or third teacher. The yearly returns for 1890—the latest to hand—show that 500 children in Ottawa Separate Schools are not learning writing or drawing, and a good number not taking arithmetic.

12. The writing of French is delayed too long, and the result is, as shewn by the written exercises given to me, that a very small proportion of the pupils leave school with

the ability to speak and write French correctly. As soon as a child is able to write, and this should be learned pretty fairly in the first year, he should be led to express his thoughts in writing. With proper teaching no French child should leave school after an attendance of almost six years without being able to express himself in speaking without serious mistakes, and without being able to write correctly at least an ordinary friendly or business letter. At present this is far from being the case.

13. There should be a new building for Ste. Anne's as soon as possible. Guigues' school is not very convenient or comfortable, and the classes in the second flat seem to be in danger in case of any panic. The same is true of Ste. Jean Baptiste School, where the accommodation of two narrow stairways is altogether inadequate should any alarm occur.

14. There should be some endeavour to improve the lighting and ventilation of such schools as LaSalle and Ste. Jean Baptiste, where in some rooms the provisions are very inadequate.

15. There should be sufficient closet accommodation and suitable and regular provision for disinfecting, especially in summer. In LaSalle this requires immediate attention.

16. The hours for assembling and dismissing classes should be the same for all schools, viz., 9 to 12 a.m., 1.30 to 4 p.m. The attendance of pupils at 8.15 a.m. cannot be exacted, though tried in some schools. There is a good deal of dilatoriness at present.

17. The percentage of attendance is declining; in 1888 it was 60; in 1889, 58; in 1890, 56. This matter is most important, and should receive careful attention.

No. 51.

Return to an Order of the House of the twenty-fifth day of March, 1892, for a Return of copies of all correspondence between the Minister of Education, Sir Daniel Wilson, and one Manley, late caretaker or janitor of the School of Practical Science, or any other person or persons, relating to the conduct of said Manley while janitor, and his dismissal from said position. Presented to the Legislature, 12th April, 1893. Mr. *Whitney.* *(Not printed.)*

RETURN.

To an Order of the Legislative Assembly passed on the 11th April, 1892, for a Return shewing the number of county pupils attending High Schools or Collegiate Institutes in towns separated from counties for municipal purposes, for each of the past three years ending 30th June; the amounts paid by said counties to the said High Schools and Collegiate Institutes for the same period; the amounts paid by said counties to the said High Schools and Collegiate Institutes under the High School Act of 1891.

J. M. GIBSON,
Secretary.

Provincial Secretary's Office,
Toronto, 12th April, 1893.

RETURN shewing the number of county pupils attending High Schools or Collegiate Institutes in towns separated from counties for each of the past three years ending 30th June, and the amounts paid by counties to said schools and institute for the same period.

Collegiate Institute or High School.	County pupils.			Paid by Counties.		
	1889.	1890.	1891.	1889.	1890.	1891.
Brockville C. I	44	49	77	.....	150	
Chatham C. I	110	110	125	1,774	1,563	1,510
Cobourg C. I	24	51	38	.....	.....	215
Perth C. I	50	50	56	.....	.....	500
Peterboro' C. I	44	49	60			
Port Hope	45	39	58	.....	.....	331
Prescott	20	19	30	.....	.....	150
St. Mary's C. I	72	70	65			
Trenton	10	6	6			
Windsor	40	63	46	500	500	500

No. 53.

Statement of Bonds and Securities registered by Officers of the Province during the year 1892. Presented to the Legislature, 14th April, 1893. (*Not printed*)

RETURN

To an order passed by the Legislative Assembly on 25th day of March, 1892, for a Return giving the names of all persons who have been appointed to, who have resigned and been dismissed from positions in the Toronto Normal School, the Toronto Model School and the School of Pedagogy within the last five years, together with copies in each case of all correspondence relating to the same between the Minister of Education or any member of the Government, or any officer of the Department of Education, and the parties in question, or any other person or persons. Also copies of all petitions, memorials and communications addressed to the Minister of Education, or any member of the Government, on the part of any or all of the students of the Toronto Normal School, the Toronto Model School and the School of Pedagogy within the past five years, and of any replies thereto of the Department of Education or the Government.

J. M. GIBSON,

Secretary.

Provincial Secretary's Office,

Toronto, April 13th, 1893.

RETURN of the names of persons appointed to, resigned or dismissed from, positions in the Toronto Normal School, Toronto Model School and School of Pedagogy within the last five years, correspondence in relation thereto, and copies of petitions, etc., from the students and any reply thereto within the same period.

SCHEDULE.

PART FIRST.

Appointments, Registrations, etc., and Petitions of Students, pages 4 to 9.

		PAGE.
	Appointment to Normal and Model Schools	4
	Order-in-Council appointing staff of School of Pedagogy	4
	Petition: Normal School students to Honorable Minister of Education for one week holiday at Easter	5
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1891.		
Sept. 19.	Deputy Minister of Education, L. E. Embree, Esq	7
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	Petition: Students School of Pedagogy to Minister of Education	8
Dec. 18.	A. B. Cushing (enclosing petition) to Minister of Education	9
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SCHEDULE.

PART SECOND

Correspondence Page 10 to 23.

1890.		PAGE.
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" 23.	Thomas Kirkland to Minister of Education	10
" 28.	Deputy Minister of Education to Miss Kate Hagarty	11
July 5.	E. W. Hagarty to Hon. G. W. Ross	11
" 8.	E. W. Hagarty (telegram) Hon. G. W. Ross	12
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" 10.	Kate F. Hagarty to Hon. G. W. Ross	13
" 21.	Sara Hagarty to John Millar Esq	14
" 21	E. W. Hagarty, B.A., to Hon. J. M. Gibson, M.P.P., etc	14
" 22.	J. M. Gibson to Hon. G. W. Ross	16
" 23.	E. W. Hagarty to Hon. G. W. Ross	16
" 23.	E. W. Hagarty to Honorable Provincial Secretary	16
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" 8.	J. M. Gibson to E. W. Hagarty, Esq	21
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" 4.	Kate F. Hagarty to Hon. G. W. Ross	22
Nov. 15.	Kate F. Hagarty to Hon. G. W. Ross	23
" 17.	Geo. W. Ross to Kate F. Hagarty	23

Appointments, etc., to the Normal and Model Schools, Toronto, from January, 1887.

Name.	Date of appointment.	Date of Resignation, etc.	Remarks.
McFaul, Dr. J. H.	Before January, 1887	December, 1891.	Drawing and writing master N. and M.
McLurg, James	" "	August, 1887.	Assistant teacher, M. School.
McLellan, Miss Hattie	" "	January, 1887.	" " "
Hagarty, Miss K. F.	" "	August, 1890.	" " "
Meneilley, Miss J.	" "	" 1887.	" " "
Murray, R. W.	January, 1887.		" " "
Sinclair, A. H.	September, 1887.	August, 1888.	" " "
Canfield, Miss M K.	" "		" " "
Rose, Miss Mattie	January, 1888.		" " "
Gillmayr, Miss N.	October, 1887.		French teacher.
Johnson, Miss Emma	January, 1888.	August, 1888.	Assistant in Kindergarten Department.
Porter, T. M.	September, 1888.		Assistant teacher, M. School.
Rose, Miss Ada E.	" "		" " "
Ross, Miss Mary M.	" "	August, 1889.	Assistant in Kindergarten Department.
Mackenzie, Miss L. P.	" 1889.	" 1890.	" " "
Wood, Miss Jeannie	October, 1889.		Assistant teacher M. S.
Macintyre, Miss M. E.	September, 1890.	August, 1891.	Assistant in Kindergarten Department.
Stuart, Miss Alice	" "		Asst. teacher M. S.
Laidlaw, Miss Jean R.	" 1891.		Asst. in Kindergarten Department.
Casselman, A. C.	January, 1892.		Drawing and writing master N. and M.
Knox, Miss Agnes	" "		Elocution teacher N. and M.

The appointments to the School of Pedagogy are as stated in the minute of the Department of Education on the 2nd July, 1891, as follows : -

COPY OF A MINUTE OF THE DEPARTMENT OF EDUCATION DATED THE 2ND DAY OF JULY, A.D. 1891.

Upon consideration of a report of the Honorable the Minister of Education, dated the first day of July, A.D. 1891, the Department of Education doth hereby order :

That the staff of the School of Pedagogy be as follows :

J. A. McLellan, LL.D., Principal and Professor of Psychology and Methods in Mathematics; L. E. Embree, M.A., and George A. Chase, Lecturers in Methods in English; Adam Carruthers, B.A., Lecturer in Methods in Classics; H. B. Spotton, .A., Lecturer in Methods in Science; George E. Shaw, B.A., Lecturer in Modern Languages; Miss Agnes Knox, Lecturer in Elocution and Reading; Dr. J. H. McFaul, Lecturer in Drawing and Penmanship; Thomas Bengough, Lecturer in Paragraphy; Dr. William Oldright, Lecturer in Hygiene and Sanitary Science, and Sergeant Parr, Instructor in Drill and Calisthenics.

Certified,

(Signed) J. LONSDALE CAPREOL,
Asst. Clerk Executive Council.

The Honorable the Minister of Education.

[Copy.]

To the Honorable G. W. Ross,
Minister of Education.

The petition of the students of the Toronto Normal School sheweth :

1. That many of us are far from our homes and have, therefore, no opportunity of seeing our friends.

2. That we have been working very hard since January last, and now would be much improved by a short rest.

3. That this term is about one month longer than last term.

4. For these and other reasons we earnestly and respectfully ask that you will kindly grant us one week's holidays at Easter.

Signed,

J. Walkington,	Jessie M. Milne,	Jean Rodger,
E. M. Doan,	Annie Mellis,	Anna Brown,
L. E. Teetzel,	Kate MacMurchy,	Annie B. Davis,
A. Hindson,	A. Stuart,	D. DeForest,
M. Parry,	H. A. Sheppard,	Isabel Forrest,
M. Wilson,	Kez. McFarlen,	Susie G. Dingle,
K. Johnson,	Mary McLellan,	Wm. H. Fletcher,
E. C. Thomson,	Bella Moir,	H. McCulloch,
E. A. Chase,	Emma McCubbin,	Wm. C. Dainty,
Jennie Stewart,	M. McLennan,	Joseph E. Tyndall,
Hattie E. Lewis,	A. McLaughlan,	N. F. Box,
F. E Forfar,	A. E. Sinclair,	H. N. Miller,
Minnie Steele,	Jennie McTavish,	J. S. Hogg,
Nana Grange,	Belle F. Lynch,	W. E. James,
Carrie Pritchard,	M. Sinclair,	G. E. Anderson,
Addie Campbell,	M. W. Bayne,	J. W. Berry,
Sarah E. Dixon,	Maggie Howe,	T. A. Trenton,
Winnie Henderson,	E. C. Kelty,	D. Mitchell,
J. Campbell,	A. E Howard,	D. M. Robertson,
E. Bruce,	Anna McCrea,	Geo. McIntosh,
H. Burdett,	Mary Dallas,	D. M. Coulter,
M. L. Balmer,	M. Cairns,	C. R. Bonham,
Janet Barr,	K. Highfield,	G. A. Miller,
Zulu Browne,	Alice J. Willson,	R. W. S. Breman,
M. Brownlee,	Bell. McInroy,	J. A. McNiven,
L. F. Brogden,	Maggie Dawson,	Robt. Moore,
M. A. Bouge,	M. O'Connor,	J. McMillan,
B. L. Hunter,	Lizzie Bobinson,	W. J. Swan,
S. Caldwell,	M. E. Eadie,	G. McEachern,
M. M. Anthes,	Jennie Franklin,	J. A. Reeder,
F. B. Somers,	Minnie Cobb,	W. S. Cook,
W. Duffin,	Bertie Kennedy,	Jno. Bushell,
Agnes McNiven,	Maggie Carr,	Robt. Boyes,
B. Taylor,	Ada F. Laven,	Wm. Donaldson,
Mary Mechian,	L. J. Hughes,	Jos. Crockard,
M. Parker,	Lily Carey,	W. N. Tilley,
L. Laura Love,	L. V. Lewis,	D. Livingston.
L. E. Thomson,	Lucy M. Palin,	

[Copy.]

Whereas, the spring session of the Normal School is always at least three weeks longer than the fall session, and whereas, many of the present students of the Toronto Normal School live in the western part of the Province, a long distance from Toronto, and are desirous of spending a few days at home at Easter time; Therefore, we, the undersigned, humbly beg and pray the Hon. the Minister of Education that the week following Easter be granted as an additional holiday, and your petitioners will ever pray:

Signed,

1. W. C. Shier,
2. R. R. Lawrie,
3. Will. Megill,
4. F. E. Fitzgerald,
5. O. McPherson,
6. G. MacPhail,
7. Gustin Welch,
8. Ben. Smillie,
9. Joe Paxton,
10. A. W. McIntosh,
11. John Graham,
12. S. A. Green,
13. A. Bridle,
14. F. Coates,
15. Geo. Dobson.
16. J. C. McCracken,
17. Robt. S. Swan,
18. Jas. Ramsay,
19. A. M. Scott,
20. Jas. H. Morrison,
21. Jas. W. Fraser,
22. Ida B Griffith,
23. L. MacWilliam,
24. M. W. Macdonald,
25. N. McHenry,
26. M. McGaw,
27. H. Hornal,
28. T. R Jackson,
29. J. M. Bowman,
30. A. R. Bayne,
31. A. Caesar,
32. Jessie McGrigor,
33. Minnie Dickson,
34. Jennie Barnes,
35. Mattie Nichol,
36. Abbie Willard,
37. Helen Thornton,
38. Maria C. Harrison,
39. Kate G. H. Lindsay,
40. Anna Harkley,
41. Bella Mather,
42. M. B. Mathersill,
43. S. Stoodley,
44. Hattie N. Burch,
45. Harriet Carvell,
46. Bertha Anderson,
47. Maggie B. Harrison,
48. Bertie Hunsberger,
49. Fannie E. Garden,
50. Hattie Cain,
51. Mary E. Cheny,
52. Susie Galbraith,
53. Aggie Cruickshand,
54. Cora Williams,
55. Tena M. Robertson,
56. Lizzie Hillies,
57. Violet Curtis,
58. Isabel Barr,
59. Nellie Dunbar,
60. Lena Whiting,
61. Bella Nichol,
62. Josephine McBrady,
63. Violet Milligan,
64. Janet Gilchrist,
65. Louise Gerry,
66. Sarah E Orr,
67. Annie A. Watson,
68. Mary Creba,
69. Maggie Halley,
70. Annie Cheer,
71. L. Y. Brooks,
72. B. Taylor,
73. P. E. Davis,
74. H. Campbell,
75. Lottie Tobey,
76. Charlotte Palmer,
77. Louise M. Whiting,
78. Frances Kelty,
79. Mary Henderson,
80. Edith Lelean,
81. Mary M. Rioch,
82. Jess. Howard,
83. Amelia Plumer,
84. Annie Sinclair,
85. Bertha Dorland,
86. Libbie Drysdale,
87. Maggie Grant,
88. Lulu Debb,
89. Nellie Forman,
90. Jennie Smith,
91. Jnnie F. McDonald,
92. Mary E. Campbell,
93. Delia M. Teskey,
94. Lottie S. Storms,
95. Mathilda F. Rowan,
96. H. N. Irwin,
97. M. E. Fleming,
98. J. N. Elliott,
99. E. J. Grigg,
100. C. Anderson,
101. Ella Meade,
102. Tevie McGill,
103. E. M. Luke,
104. Helen Young,
105. Alice Breckon,
106. Bessie Lina Burt,
107. Mary Windsor,
108. Katie Landy,
109. Ph. Boden,
110. A. E. Hopper,
111. Hattie D. Ireden,
112. Rachael K. Cree.

[Copy.]

No. 4091 ; Ur. 6169.

EDUCATION DEPARTMENT,
TORONTO, 19th September, 1891.

DEAR SIR,—I am directed by the Minister of Education to forward the accompanying list of students in attendance at the School of Pedagogy. The specialist course in each case, where any is taken, being also stated.

Yours, etc.,

(Sgd.) J. MILLAR,
Deputy Minister.

L. E. EMBREE, Esq , M.A.,
Headmaster Collegiate Institute,
Jameson Avenue, Toronto.

No. 4092 ; Ur. 6169.

EDUCATION DEPARTMENT,
TORONTO, 19th September, 1891.

DEAR SIR,—I am directed by the Minister of Education to forward the accompanying list of students in attendance at the School of Pedagogy. The specialist course in each case, where any is taken, being also stated.

Yours, etc.

(Sgd.) J. MILLAR,
Deputy Minister.

A. MACMURCHY, Esq., M.A.,
Headmaster Collegiate Institute,
Jarvis Street, Toronto.

[Copy.]

To the Honorable G. W. Ross,
Minister of Education.

DEAR SIR,—We the undersigned students in attendance at the Ontario School of Pedagogy, at the close of a four months' course in the theory and practice of teaching, desire to lay before you a testimonial of our appreciation of that course and of the invaluable training which we have received therefrom. We have had our ideas of the manner of presentation of knowledge greatly enlarged and have gained from the efficient staff of lectures a keen insight into the principles of Pedagogy. We shall leave the school proud of our graduateship and confident that by its institution, the profession to which we are to devote our energies will in a few years be raised to such an eminence, that we will feel with pride that we belong to it.

There is one matter, however, concerning which we would offer an opinion. We believe that all terms should be of at least seven or eight months duration. We have found the four months spent here wholly inadequate to the extent of the work. In elocution, the value of which to the teaching profession none better than yourself know, we have had a course by the ablest of instructors, but regret that the shortness of the term prevents us from obtaining the full results of her labors. We have received from the foremost teachers of our Province their best thoughts in Educational Methods, but here again we have found the time insufficient for their proper application. While in Psychology and the Science and Critical History of Education, we feel that the time spent on them is not sufficient to allow as thorough an assimulation as their importance in the educational life of our age demands. Especially is this the case in Psychology, the basis of all true methods of instruction.

In a few weeks we enter a profession in which we will labor for life. We enter it with resolution to devote ourselves to it. It has, from all time, been designated the most honorable of all professions. We hope that it will be honored in our day by an enactment which will require of all who enter, the passport of a thorough acquaintance with its principles.

We would then humbly suggest that the Ontario Government follow the precedent established recently by the Legislature of New York State, and extend the course of training to a period that would suffice for the proper accomplishment of the work.

Signed,

J. A. Croll,	B. M. Scott,	J. Clothier,
J. A. McKellar,	Emily Sawle,	W. J. Dobbie,
E. H. Carpenter,	Ella J. Smith,	G. T. Graham,
J. A. Beattie,	Florence G. Wickett,	Robt. J. Richardson,
J. S. Cameron,	Bella Ptolemy,	Jas. McCaig,
Joseph Boyle,	Janet Wisheart Carter,	H. S. Ferguson,
Fred. J. Pope,	Clara De Lany,	W. S. Blackwell,
W. R. Olds,	W. W. Coleman,	Geo. F. Blackwell,
E. S. Howard,	A. J. Stallwood,	A. R. McRitchie,
T. K. Sidey,	G. Hammill,	W. S. W. McLay,
W. E. M. Cobban,	J. W. Treleave,	M. Clark,
Ernest Coombs,	D. William McGee, B.A.,	Belle Aitchison,
Jas. Keiller,	C. P. Bishop,	Ethel M. Hartley,
John Matheson,	W. Hull,	Maude Schofield,
Alfred A. Thompson,	J. D. Conklin,	Alice O'Connor,
Wm. A. Stewart, M.A.,	J. E. Minns,	D. E. T. Addison,
A. D. Meldrum,	F. H. Frost,	Carrie Wilson,
J. A. Howard,	C. H. Fowler,	Robt. Thompson,
Florence E Williams,	Wm. Begg, B.A.	Geo. J. Telfer,
Margaret Nicol,	Chas. J. MacKay,	Thos. Corbett,
Minnie D. Eby,	P. H. Page,	Carrie M. Whiteside,
Edith M. Kerr,	D. A. Fletcher,	A. B. Cushing,
Emily Bradbury,	F. E. Shepard,	N. MacMurchy.
M. L. Anderson,	W. Mandson,	

[Copy.]

Toronto, December 18th.

To the Honorable The Minister of Education.

Sir,—Herewith is enclosed a petition of the studends of the School of Pedagogy.

Having occasion to leave the city somewhat hurriedly, I have not had time to present it in person.

Hoping that you may consider the request of your petitioners a reasonable one, and that something may be done in the line indicated by the petition,

I am, Sir,

Yours respectfully,

(Sgd.) A. B. CUSHING,
Student S. of P.

[copy.]

Owing to press of work in other departments more relavant to our training as High School teachers, we, the undersigned students of the School of Pedagogy, humbly petition the Honorable the Minister of Education that the examination in Writing and Drawing be this year withdrawn, as has been done in previous years. We also express our appreciation of Dr. McFaul's teaching.

Signed,	M. E. S Addison,	W. J. Sykes,	Alfred A. Thompson
	G. Bradbury,	W. J. Dobbie,	D. A. Fletcher,
	Janet W. Carter,	Wm. A. Docker,	Geo. J. Telfer,
	E. M. Hartley,	J. H. Cornyn,	Q. Corbett,
	E. B. Howson,	Wm. Mandson,	R. Thompson,
	Laura L. Jones,	Geo. Kirkendall,	A. M. Robertson,
	Edith M. Kerr,	F. E. Shepard,	A. E. Rand,
	Carrie Misener,	Fred. P. Gavin,	G. Hammill,
	Agnes Poulton,	R. J. Stallimore,	D. Walker,
	Claribel Platt,	Wm. Wilson,	A. M. Stewart,
	Emily Sawle,	A. B. Cushing,	W. P. Olds,
	Maude Schofield,	W. Hull,	W. W. Coleman,
	Bessie M. Scott,	W. S. Blackwell,	J. F. Howard,
	Frankie Spence,	Geo. F. Blackwell,	W. E. M. Cobban,
	Ella J. Smith,	J. H. McCaig,	D. McGee,
	Minnie D. Watterworth,	A. W. Laidlaw,	J. L. Leavy,
	Carrie Wilson,	A. D. Meldrum,	C. H. Fowler,
	Jessie Orr White,	H. J. Ferguson,	Wm. Hardie,
	Kate M. Wright,	Fred. J. Pope,	Robt. J. Richardson,
	Carrie M. Whiteside,	Alex. Mowat,	G. E. Dyde,
	E. H. Carpenter,	W. Dillano,	P. H. Page,
	F. H. Frost,	Robt. Reid,	H. O. Asman,
	Florence E. Williams,	E. S. Howard,	J. S. Cameron,
	Ada F. Laven,	Ed. T. Hoidge,	L. A. Barr,
	Florence G. Wickett,	C. J. Mackay,	Bella Ptolemy,
	Lizzie M. Hillen,	John W. Treleaven,	C. Thacker,
	May Miller,	Wm. Begg,	C. P. Bishop,
	Nettie K. Clark,	Jas. Keillar,	Joe Boyle,
	M. A. Nicol,	J. S. Selwood,	John A. Beattie,
	T. K. Sidey,	G. Thos. Graham,	A. O'Connor,
	M. E. Higst,	Elmer E. Law,	Clara De Lany,
	E. Coomes,	J. Matheson,	Minnie D. Eby.
	J. Delconklin,		

PART SECOND.

Correspondence.

[Copy.]

GIRLS' MODEL SCHOOL,
TORONTO, 19th June, 1890.

THOMAS KIRKLAND, Esq., M.A.,
Principal Normal and Model Schools.

DEAR SIR,—I beg to submit the following in connection with the Girls' Model School, with the request that you will lay the matter officially before the Honorable the Minister of Education.

It is necessary for the welfare of the school that all the teachers should work in harmony; that the means considered best for the promotion of order and discipline should be heartily co-operated in by all; that free discussion of methods employed by each, or suggested in any way, should be possible; that the school should be a unit as to methods, aims, and feeling among teachers and pupils.

Such is not possible under existing circumstances, nor ever has been possible since I came to the school. Miss Hagarty, the teacher of the fourth class, has from the first persistently resisted all efforts at harmonious action. Latterly, she has positively refused to carry into effect arrangements deemed necessary for the order and discipline of the school, and her words have been substantiated by actions. She will receive no suggestion, allow no discussion of methods. She has sought to isolate her class from all supervision, resents any suggestion, thus destroying the unity of the school.

It is absolutely necessary that immediate steps be taken to remedy what I must call a growing evil, for this it has been. If the Minister thinks that my resignation would be the best remedy, I shall immediately place it in his hands.

I have the honor to be, Sir,
Your obedient servant,

(Signed) MARGT. G. SCOTT.

[Copy.]

TORONTO, 23rd June, 1890.

The Honorable G. W. ROSS, LL.D.
Minister of Education.

DEAR SIR,—I beg to submit the enclosed letter from Miss Scott, Head Mistress of the Girls' Model School, in which she states that she can no longer efficiently carry on the work of the school on account of obstructions thrown in her way by Miss Hagarty, teacher of the fourth divison.

I have been aware of the strained relations existing between Miss Hagarty and Miss Scott for several years, but have not brought it under your notice, hoping that time would cause the past to be forgotten. In this I have been mistaken. The relations existing between them are now perhaps less harmonious than at any preceding period.

I quite agree with Miss Scott, "that it is necessary for the welfare of the school that all the teachers should work in harmony, and that the means considered best for the promotion of order and discipline should be heartily co-operated in by all."

I more frequently discuss methods of teaching and matters of discipline with the head mistress, master and head mistress of the Model Schools, and it is of the utmost importance that they should be able to discuss, in a kindly manner, these subjects with the other teachers. This cannot be done between Miss Scott and Miss Hagarty, and the interests of the school must suffer in consequence.

I have now, most respectfully, to ask that you take the matter into consideration and adopt such measures as will terminate this evil.

I can see no other method than that you ask one of them to resign, and that one should not be Miss Scott. She appears to have done what she could to get on harmoniously with Miss Hagarty, and Miss Scott's services are far too valuable to be dispensed with.

I have the honor to be, Sir,
Your obedient servant,

(Signed) THOMAS KIRKLAND.
Principal Normal and Model Schools.

[Copy.]

EDUCATION DPARTMENT,
No. 1,350, p. 2. TORONTO, 28th June, 1890.

MADAM,—I am directed by the Minister of Education to inform you that your services as teacher in the Provincial Model School will no longer be required.

This decision is arrived at in consequence of a want of that harmony between yourself and the head mistress which is deemed essential to the interests of the school.

Your obedient servant,

(Signed) JOHN MILLAR,
Deputy Minister.

MISS KATE HAGARTY,
Model School Teacher,
13 Anne Street, Toronto.

[Copy.]

MOUNT FOREST, July 5th, 1890.

The Honorable G. W. Ross,
Toronto.

DEAR SIR,—I learn that the services of my sister, Miss K. F. Hagarty, in the Provincial Model School, have been dispensed with. I wish to obtain for her—as she is at present on her way to Europe—a High School Assistant's Certificate, and if you would interest yourself in the matter I should feel deeply grateful. I believe she is legally qualified as it is, but I do not think she holds a Departmental Certificate to that effect under the new regulations.

Her non-professional standing you know to be 1A. Professionally you are acquainted with her ability. She has, moreover, taught successfully in two different high schools, Welland and Clinton, three years altogether. Testimonials can be furnished of her ability to teach in a high school.

I feel sure that whatever are the reasons for her dismissal from the Model, you will in consideration of her long and faithful services do what you can to enable her to secure a suitable position elsewhere.

Might I also ask, on her behalf, and as her brother, whether you will consider the propriety of granting her six months' salary in recognition of her length of services. She has been the main support of her father and mother for some years, so that she has laid by nothing for a rainy day. I fear, too, this shock will greatly injure her health.

Is your decision to dismiss her past recall? Could you not give her another trial? I think if you gave her another chance and told her plainly what you desired, she would do her best to comply with your wishes.

I am, Sir,
Yours in deep sorrow,

E. W. HAGARTY,
Mount Forest High School.

[Copy.]

Telegram

To Honorable G. W. Ross,
Education Department.

From Mount Forest,
Ontario. July 8th, 1890.

I withdraw request for compensation to Miss H. Kindly postpone in view of her health.

E. W. HAGARTY.

[Copy.]

Mount Forest, July 8th, 1890.

To the Honorable G. W. Ross,
Education Department.

Dear Sir,—I write to explain my telegram of this p.m.

When I first wrote you, I was not aware fully of the circumstances and had no authority to ask for the "six months" on behalf of my sister. I did it hastily and have since reflected that the news of dismissal might shock her so far as to result in her death or loss of reason.

She was very much run down mentally as well as physically when she sailed for Europe. We are sending for her and in the meantime I would earnestly beg of you to postpone final action until she can reach home which will be in a week or so.

I am, yours respectfully,

(Signed), E. W. HAGARTY.

[Copy.]

Personal.

Education Department, Toronto, 10th July, 1890.

Dear Sir,—A certificate for Miss Hagarty as High School assistant has been sent to her address in this city I hope she will be able to find a situation as soon as she returns. I cannot hold out the faintest hope that she will be reinstated in the Model School.

Your truly,

(Signed) GEO. W. ROSS.

E. W. Hagarty, Esq.
Mount Forest, Ont.

[Copy.]

12 Duchess Street, Portland Place, London, W., Friday, July 10th.

My Dear Mr. Ross,—I have just received a cable message telling me that I am dismissed fr m the Model School. I think I know you well enough to write and appeal to your kind heart to listen to my explanation of the trouble between Miss Scott and myself. On one occasion not long ago, I enclosed a sum of money belonging to the fees in an envelope marked IV class fees and put it with my book in her drawer where the fees are kept and locked it up. This was the usual custom, as it was more convenient to her, she said, to sign the book and leave it for us to get later. It happened that I forgot to enter the amount in my book where she ought to sign. She took the fees and sent them down to the treasurer with the rest and handed me back my book without saying anything. In the meantime I had forgotten it, and when I came to make up the month's report, the fees were behind-hand by quite a large sum, and, of course I had a fright for I thought I had lost them. After a long search I mentioned it to Miss Scott, telling her I had lost the fees and would make it up. She laughed and told me what I had done, at the same time admonishing me not to leave money lying around carelessly again. Of course I was angry and told her that I thought it was due to me to tell me she had received the money and let me enter it in the book. That caused the trouble between us. I told Mr. Kirkland about it and he said he was sorry, but there was no use in his saying anything to her about it. She has acted most unkindly and unjustly ever since, and I have tried to bear it patiently ; but I thought of coming to you myself several times and telling you the whole thing. Mr. Kirkland advised me not to, however, and I thought it was better to follow his advice. Mr. Ross, I am not praising myself when I say I have taught faithfully in the school and done my work to the best of my ability. You, yourself showed your approval of my work by kindly raising my salary last New Year ; and I am sure Mr. McIntosh who knows the working of the school thoroughly, will confirm what I say. I came to Europe this year with a lady friend, as her guest, because I was so ill for the last month of school that I could scarcely teach till the end. I did, however, and and my class took a good stand as usual Mr. Kirkland told me that Miss Scott had complained to you, but advised me not to see you myself. I wish I had now, because I think you would have listened kindly to me as you always have in the past. You were not present at the closing, or I should have told you then, for I felt sure something was wrong. Now, Mr. Ross, I am going to tell you in confidence what this means to me. I am not situated as most girls are. My father, some years ago, lost everything he had at a time when he was too advanced in years to enter business again. My mother's means had gone in the general wreck, and from that time my sister who teaches in one of the city schools and myself have kept the home together. My only brother is married and with a family finds it as much as he can do to keep his own home.

You have daughters of your own Mr. Ross, and I am sure, if you think of my case now and how you would feel if it were one of them, you will know what a bitter grief it is to me, and how anxious and distressed I feel about the future. I would not write to anyone else, as I am writing to you now, but I have put my pride under foot for the sake of my dear father and mother and brave sisters. For myself I should never ask you to reconsider it, but I must do so for their sake. Once more, Mr. Ross, I will appeal to your good, kind heart to consider the question and not to dismiss me, unless you think I cannot at all fill the place. Will you pardon this long letter. I do not want to bore you, but I want you to know how I feel and the whole truth about it. Mr. Gibson, of Hamilton is especially interested in me. Will you ask him about me? Oh! Mr. Ross, do try to be as kind to me as you can, for I need it very much. Just imagine how I feel so far from home, and in such trouble.

Yours most faithfully,

(Signed), KATE F. HAGARTY.

I had my passage taken for the 15th of August so as to be back in time. Will you please send word to my sister so that she can cable to me?

[Copy.]

13 Anne St., Toronto, July 21st., 1890.

John Millar, Esq.,
Deputy-Minister of Education.

Sir,—The enclosed communication was left at this address for Miss Hagarty by a messenger of the Department.

She has not since been in Toronto and I am not certain of her present whereabouts. As her sister I deemed it right to open the communication, but, on finding its important purport, I have decided that I am not justified in constituting myself its custodian.

I have the honor to be, Sir,

Your obedient servant,

(Signed), SARA HAGARTY,

Note.—The communication referred to in this letter is the first one in this correspondence.

[Copy.]

13 Anne Street, Toronto, July 21st, 1890.

To the Honorable J. M. Gibson, M.P.P.,
Provincial Secretary Ontario.

Sir,—I have incidentally learned that a decision has been arrived at by the Government in Council to dispense with the services of Miss K. F. Hagarty as a teacher in the Provincial Model School, Toronto. The charge against her being incompatibility between her and the head mistress of the school.

I have the honor to inform you that Miss Hagarty is at present in Europe for her health and, therefore, has not been able to receive due notification of her dismissal or to take any personal action with reference thereto.

I understand that, although the question is not one of incompetency, but rather of personal relations among the staff, my sister has been condemned unheard, and that from an *ex parte* statement from an interested party.

As her brother, therefore, as a citizen of the Province, and as the one who, in her absence, probably is best acquainted with the circumstances of the case so far as she is concerned, I deem it my duty to represent her temporarily in the matter and to bring before the Government what I believe to be the injustice of the decision that has been arrived at. In so doing, I believe I am acting more in the interest of the Province at large than in that of Miss Hagarty herself.

Permit me, therefore, to submit the following particulars and to demand an investigation before any final action is taken:

1. Miss Hagarty has been engaged in the Model School for fifteen years.

2. She has always borne the reputation of being one of the best lady teachers if not the best in the Province.

3. Her services have, up to recent date, been acceptable to the Government themselves as proved by the increase in salary voted her at the last session of the Legislature. Even the alleged incompatibility, therefore, could not have existed until within the last four or five months.

4. She received no warning, remonstrance, notification, or opportunity to defend herself against any charges preferred against her, the only apparent exception being a vague hint at the very close of the term from a Normal School official to the effect that, under certain circumstances, the question of her dismissal might be considered by the Minister of Education. No time, however, was allowed her afterwards to show whether she was prepared to act on the hint or not, and she left the country on a pleasure tour, after fully discharging her duties, without the slightest knowledge that her dismissal was even contemplated or that a single charge had been preferred against her.

5. I believe that Miss Hagarty can prove the following:

(*a*) That in the differences now construed into incompatibility, my sister was acting purely in self defence, and was at the time, to her personally, at least, sustained by the Principal, of the Normal School.

(*b*) That a systematic persecution was carried on against her by the person on the sole strength of whose complaints it is proposed to dismiss her without a hearing.

(*c*) That as great, if not greater, incompatibility exists between Miss Hagarty's accuser and the Principal of the Model School, as between Miss Hagarty and the said accuser herself.

(*d*) That, whilst Miss Hagarty's own work in the school has always given perfect satisfaction to inspectors, patrons and students of the Normal and Model Schools, Miss Scott's work has been looked upon by many as one of the sources of serious weakness in the Normal School work of the Province.

I believe, Sir, that in thus privately bringing this matter before the Government, I am doing what is fair and honorable and in the public interest. It is extremely desirable that provincial training schools should have the services of the most competent and experienced teachers available, and where the loss of such a teacher can, by any fair means, be avoided, surely that is the preferable course.

There are many matters in the working of these institutions that would repay investigation, and this is one of them. So far the present matter has been kept perfectly private, the only persons to whom it has been mentioned being one or two warm supporters of the Government. One prominent member of the Legislature and Government supporter has stated that to dismiss Miss Hagarty, as at present proposed, would, in his estimation, be "a condemnation without a trial."

I submit that the charges, being personal, are such as to demand the closest and most impartial investigation, especially as the loss to the Province of the services of one of its most accomplished teachers is at stake.

I have the honor, etc.

E. W. HAGARTY, B.A.,
Head Master, High School, Mount Forest.

[Copy.]

Toronto, July 22nd, 1890.

My Dear Ross,—I send herewith a communication from E. W. Hagarty, B.A., Head Master of the High School, Mount Forest, with reference to the dismissal of his sister from the Normal School. The receipt of this communication has been formally acknowledged by this Department with the intimation of its transfer to your Department.

Yours very truly,
(Signed) J. M. GIBSON.

[Copy.]

13 Anne Street, Toronto, July 23rd, 1890.

Dear Sir,—In our interview this morning regarding the communication you had received from Mr. S. H. Blake, I forgot to mention that everything my sister and I have done so far with a view of obtaining justice for Miss K F. Hagarty has been on the strength of advice from strong friends of the Government.

I am sorry that such action on our part as well as on that of friends of both parties, should have been construed by you as anything like "bulldozing."

I have the honor to be, Sir,
Your obedient servant,
(Signed) E. W. HAGARTY.

The Honorable G. W. Ross,
Minister of Education.

[Copy.]

13 Anne Street, Toronto, July 23rd, 1890.

To the Honorable The Provincial Secretary,
Parliament Buildings, Toronto.

Sir,—I have this day, in an interview with Mr. Ross, learned that owing to my demand for a rehearing of my sister's case, he has decided to withdraw his promise made to another person and myself to recommend a gratuity of four months' salary to her.

Permit me to say that this intimation from Mr. Ross has in no way lessened my desire as a citizen of the Province to have the facts of the case investigated If it is right, and I do not presume the Government would propose to do anything but what is right with the people's money, for Miss Hagarty to receive a compensation in case her dismissal is sustained, I can see no reason why a demand for enquiry from one who represents himself as acting more in the interest of the Province than in that of Miss Hagarty herself, and has no authority from her so to act, should compromise anything that the Government might otherwise feel justified in doing.

I wish it to be distinctly understood that, in pressing for an enquiry, I am acting as a citizen and an elector of the Province.

I might add that in the Education Department the reinstating of a person after dismissal is not without precedent. If I am correctly informed, a janitor was dismissed on a very grave charge that would not bear enquiry and was afterwards reinstated.

I am
Your obedient servant,
(Signed) E. W. HAGARTY.

[Copy.]

TORONTO, July 24th, 1890.

SIR,—I am directed to acknowledge the receipt in due course of your letter relative to the dispensing with the services of Miss K. F. Hagarty as a teacher in the Model School, Toronto, and to inform you that it has been transferred to the Honorable the Minister of Education for his information. I beg also to acknowledge the receipt of your further letter of the 23rd inst. upon the same subject, and to state that it also has been transferred to the Minister of Education.

I have the honor to be, Sir,

Your obedient servant,

(Sgd.) G. E. LUMSDEN,
Assistant-Secretary.

E. W. HAGARTY, Esq., B. A.
13 Anne St., City.

[Copy.]

TORONTO, July 24th, 1890.

SIR,—I am directed to transmit to you for your information a further letter received from Mr. E. W. Hagarty, relative to the dispensing with the services of Miss K. F. Hagarty as a teacher in the Model School, Toronto.

I have the honor to be, Sir,

Your obedient servant,

The Honorable
THE MINISTER OF EDUCATION,
Toronto, Ont.

(Signed) G. E. LUMSDEN,
Assistant-Secretary.

Personal.

[Copy.]

EDUCATION DEPARTMENT,
TORONTO, 24th July, 1890.

DEAR MADAM,—I have your letter of the 10th instant. Had I known that you were leaving for England at the time you mention, you would have received notice that your engagement with the Department was to terminate, before your departure. It was thought best to leave the matter over until the School would close for the season. The decision arrived at was very carefully considered, and it would be useless now to re-open the question. I must fill your place by another teacher at once, and have already advertised to that end.

While sorry, personally, for the position in which you are placed, it is absolutely necessary that the change which I am bringing about should be effected.

Yours truly,

MISS KATE F. HAGARTY,
13 Anne Street, City.
2-54

(Signed) GEO. W. ROSS.

[Copy.]

Personal.

EDUCATION DEPARTMENT,
TORONTO, 25th July, 1890.

DEAR SIR,—Your second letter to the Provincial Secretary has been transmitted to my Department. It is usual, in dealing with matters affecting any of the Departments of the Government, to communicate directly with the head of the Department. Why you should have taken an opposite course, I cannot understand. If any enquiry is deemed necessary into the reasons for the dismissal of Miss Hagarty, no obstacle, as far as I am concerned, shall be put in the way. It must come, however, through Parliament, as you can very well understand, the Government having decided upon a dismissal, is not prepared to issue a Commission to pronounce upon its own action.

I believe a janitor was dismissed on account of his intemperate habits, but on evidence and proof of a desire and purpose to reform, he was reinstated. I know of no other case during my incumbency.

Yours truly,

(Signed) GEO. W. ROSS,

E. W. HAGARTY, Esq.,
13 Anne Street, City.

[Copy.]

Re No. 2,988.

13 ANNE STREET, TORONTO, July 25th, 1890.

To the Honorable
THE PROVINCIAL SECRETARY,
Parliament Buildings, Toronto.

SIR,—I am in receipt of your acknowledgment of my two previous letters.

I beg leave to say that my action in writing to you was in the nature of carrying the matter to a Court of higher appeal. Mr. Ross had been asked to re-open and investigate the case, but refused. Feeling that it was a very grave matter for both Miss Hagarty and the public service, and believing that I had evidence which justified a re consideration, I deemed that it would be acting perfectly in accordance with the spirit of our free institutions and Constitutional Government to appeal from the ruling even of the head of a Department. If this course is not open to parties who feel themselves aggrieved, perhaps the Government will indicate the proper manner of procedure. I am sorry that Mr. Ross has seen fit to resent my action in appealing from his decision; but I confess I can see nothing improper in it whatever. Rather do I think that I have pursued a fair, straightforward and constitutional course.

I sincerely hope that Mr. Ross will consent to have his colleagues re-open the case.

I am, Sir,

Your obedient servant,

(Signed) E. W. HAGARTY.

[Copy.]

Personal.

13 Anne Street, Toronto, July 26th, 1890.

My Dear Mr. Ross,—Your kindly letter of yesterday duly received.

I am sorry that I pursued an unusual course in communicating with the Honorable the Secretary, but I did not see any other course open to me, as you gave no encouragement, Mr. Ross, to trouble you further in the matter.

Permit me to say that I have never thought of such a thing as a Commission or Parliamentary enquiry, except, possibly, as a last resort. We went to you and asked simply for a reconsideration, and we think we could have furnished you with sufficient evidence to warrant such reconsideration. You would not, however, listen to our appeal, and I then decided to submit the facts I had at my disposal to the Government, feeling that that was confidential and could not possibly do you any harm.

It seems to me no Commission is necessary. If you will personally, Mr. Ross, give me an opportunity of laying our side of the case privately, yet fully, before you, I believe a happy solution can be arrived at.

You have been merciful with a poor drunkard, it appears, now why not, at least, *give a lady, a faithful servant, an accomplished teacher*, a chance to show that she is not as much to blame, as at present appears, in a question which at the best, is doubtful. Even if she has been resentful under unkind treatment, why not give her at least *one* warning and give the other lady a chance to be a little more kindly, too.

I think we can *both* play the part of *peacemakers* if we try.

Yours truly,

(Signed) E. W. HAGARTY.

[Copy.]

Personal.

13 Anne Street, Toronto, July 31st, 1890.

Dear Mr. Ross,—I have forwarded officially to Mr Gibson an enquiry as to the action so far taken *re* my first communication. I enclose you a copy herewith.

Kindly do not misunderstand my motives in what I have done so far. I have been very much in earnest, but have had no desire to injure you.

Will you not grant me an interview either here or in Preston, and keep open the case? You know you have not yet technically notified Miss H. of dismissal, so it will not be a retraction in any sense.

I cannot persuade myself that you will not listen to further evidence in a case of such moment to a faithful servant.

Yours very respectfully,

(Signed) E. W. HAGARTY.

Honorable G. W. Ross,
Preston, Ont.

[Copy.]

13 Anne Street, Toronto, July 31st, 1890.

To the Honorable J. M. Gibson, Esq.,
Provincial Secretary.

Sir,—Might I ask, in view of the near approach of school opening, whether any action has as yet been taken with reference to a fuller inquiry into the circumstances leading to the Government's decision to dismiss Miss Hagarty.

Technically she has not yet been dismissed, so that the request for an opportunity to present evidence on her behalf is not unreasonable. It is not a case of re-instating, but one of re-opening the question and taking further evidence.

Admitting the possibility of wrong having existed on Miss Hagarty's side, I claim to be able to show that equal, if not greater, wrong existed on the side of the lady who lodged the complaint, whereas Miss Hagarty has so far been treated as the sole aggressor.

I also submit that Mr Kirkland's report adverse to Miss Hagarty is not of sufficient weight for two reasons :

(1) That Miss Hagarty has not been heard in her own defence : all the evidence so far has been from an apparent hostile quarter.

(2) That Mr Kirkland supported and encouraged Miss Hagarty in the course she took in the questions directly involved in this dismissal, and that Miss Hagarty ought to be given an opportunity of requiring Mr Kirkland to explain the apparent discrepancy.

The rights of assistant teachers ought to be protected as well as those of Principals ; and I would respectfully direct attention to the fact that at present it is proposed to entirely ignore the right to such protection belonging to a faithful and efficient assistant, whose length of service is more than double that of the one who complains against her.

Also would I emphasize the fact that Miss Hagarty's conduct in the school was officially declared unexceptionable, so far as the Government was concerned, as recently as the last session of the Legislature.

Hoping that the Government will be pleased to grant a re-hearing before filling Miss Hagarty's position.

I have the honor to be, Sir,

Your obedient servant,

(Signed) E. W. HAGARTY.

[Copy.]

13 Anne Street, Toronto, August 6th, 1890.

To the Honorable G. W. Ross,
Minister of Education.

Sir,—Pardon me for troubling you further *re* Miss Hagarty's dismissal. I deem it right to lay before you a fact on which I was not definitely informed when last I wrote to the Government.

The Principal of the Normal School has stated since the Government's decision in the matter that the cause of the trouble was a dispute over fees. Now, Miss Hagarty can prove that she consulted Mr Kirkland on this very question, and he ruled in her favour. It appears he is now quoted as authority for treating Miss Hagarty as the one solely to blame in a matter in which he previously ruled that she was entirely in the right.

I submit that in view of this extraordinary conflict of testimony it is Miss Hagarty's indisputable right to a hearing before she is sent forth to the world branded as incorrigibly quarrelsome, which is practically now proposed.

I have the honor to be, Sir,

Your obedient servant,

(Signed) E. W. HAGARTY.

[Copy.]

TORONTO, August 8th, 1890.

DEAR SIR,—I can only say that the question involved in your several communications addressed to me has already been considered in Council; but, in view of the observations contained in your communications of the 31st ultimo and 4th instant, the matter has been referred to the Department of the Minister of Education for further consideration.

Yours truly,

(Signed) J. M. GIBSON.

E. W. HAGARTY, Esq.,
13 Anne Street, Toronto.

[Copy.]

EDUCATION DEPARTMENT, TORONTO, August 15th, 1890.

E. W. HAGARTY, Esq.,
13 Anne Street, Toronto, Ont.

MY DEAR SIR,—I had a request from you while at Preston for an interview, and telegraphed my Deputy that I would be in my office on Wednesday of last week.

In case you may not have been notified, if you desire it, I can see you any day next week. The circumstances stated in your letter of August 6th would not affect the decision already arrived at.

Yours very truly,

(Signed) GEO. W. ROSS.

[Copy.]

MOUNT FOREST, August 25th, 1890.

The Honorable G. W. Ross,
Minister of Education.

SIR,—Your letter of the 15th instant just returned to me from the country whither it had been forwarded.

In reply I would say that I was in the building of your Department on the day you mention, but was not notified.

However I surmise from your letter that nothing further that I could say would affect matters, as regards my sister.

Allow me to express the hope, however, that if any new developments arise, you will interpret them as favorably for my sister as you can. You know she is a well-tried servant of your Department, and, even in this case of alleged insubordination, I think a further enquiry will show that she was not in *any sense* to blame.

Kindly pardon me for mentioning that I have heard from an impartial source, that no longer ago than last spring, you had under consideration the dismissal of Miss Scott and the promotion of my sister to her position. Of course this is only in accord with the opinion held by many, that, on the grounds of length of service, professional ability and recentness of qualification, (1 A., 1879) my sister's succession to the Lady Principalship would reflect credit on your Department.

I am, Sir,
Yours respectfully,

(Signed) E. W. HAGARTY.

[Copy.]

EDUCATION DEPARTMENT,
Personal. TORONTO, 4th September, 1890.

DEAR MADAM,—Your note of this morning duly received. I cannot add anything to what I said at our interview on Monday morning last.

I shall submit your case to my colleagues in due time and report their decision.

Yours truly,

(Signed) GEO. W. ROSS.

MISS KATE F. HAGARTY,
Toronto.

[Copy.]

TORONTO, September 4th.

Honorable GEO. W. ROSS,
Minister of Education.

Personal and Private.

DEAR MR. ROSS.—In my interview with you on Monday, I am afraid I did not tell you plainly enough just how matters stand with me. As you know, my health has been delicate for some years and only for the ocean voyages I have taken I should not have been able to stand the great strain that teaching in the Model School involves. On that account I have spent a great deal of my salary in travelling during the Summer vacations, and have thereby made myself more fit for the work, not only physically, but mentally, because wide travel increases one's culture. This and other drains on my income have prevented me from saving up for a rainy day and I do not need to tell you I am no longer young since I have taught *fifteen* years in the Model School. This Summer I spent a considerable sum on an outing that I expected would do me a great deal of good, but the mental strain and the shock I experienced have counteracted the whole benefit of it, and I find myself no better than when I went away. In fact I am quite unfitted to teach at the present even had I a position, and it may be some time before I am able. In view of all this, I think you must see that I have strong reasons for hoping you will be as generous as possible to me, in the matter of a retiring allowance. Your liberality in the past to various members of the staffs of both Toronto and Ottawa, leads me also to hope that in my case you will act as you did to them.

When the late Dr. Ryerson offered me the appointment in the Model School, I had not finished my course of study; but I continued it until I obtained a 1A so that I should be properly qualified for Model School work, and it was the extra strain of studying and teaching together that first injured my health. On this account, also, I think I have a claim on your sympathy and consideration.

Believing in your justice and kind-heartedness also.

I am faithfully yours,

(Signed) KATE F. HAGARTY.

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13 Anne Street,
November 15th, 1890.

To the Honorable G. W. Ross,
Minister of Education.

Personal.

Dear Sir,—Will you allow me to remind you of your promise to me in regard to a retiring allowance, on my dismissal from the Model School. Since the beginning of the Fall term, I have been teaching French and German in my brother's school, as they had a vacancy which could not be filled at the time; but it was under strong protest from the doctor, as my health is in a very bad state from the shock I received last summer, and the grief and anxiety consequent to it. I am now in Toronto under medical treatment for serious complications and though I am going to finish the term at Mount Forest, I shall be working under great difficulties.

As I before stated to you, I need the money very much, and—as in the case of several men, in the past, you have granted large retiring allowances when attendant circumstances were worse than in my case. I feel inclined to believe that there is no reason why you should not treat me with, at least, equal liberality.

Hoping to receive some communication of a favorable character from you soon.

I am yours respectfully,

(Signed) KATE F. HAGARTY.

[Copy.]

Education Department,
Toronto, 17th November, 1890.

Personal.

Dear Madam.—You may rest assured, as I think I repeatedly stated to you personally, that I shall recommend to my colleagues a liberal gratuity to you on your retirement from the Model School staff. The amount, however, cannot be settled until we consider the estimates at the next session of Parliament.

Yours truly,

(Signed) GEO. W. ROSS.

Miss Kate Hagarty,
13 Anne Street, City.

No. 55.

Return to an Order of the House of the fourth day of April, 1892, for a Return shewing the names of all authors and publishers of Public and High School text-books, with the respective books published by them and the prices thereof. Also, for the copies of all correspondence by or with the Minister of Education, or any officer of his department, respecting the price or publication of Public or High School text-books, subsequent to that already brought down. Presented to the Legislature, 14th April, 1893. Mr. *Kerns*. (*Not printed.*)

No. 56

Report of the Toronto General Trusts Company for the year 1892. Presented to the Legislature, 17th April, 1893. (*Not printed.*)

COPY

Of Commission appointing the Honourable George Airey Kirkpatrick, P. C., to be Lieutenant-Governor of the Province of Ontario, and of the instructions thereto attached.

Presented by Command,

J. M. GIBSON,
Secretary.

Provincial Secretary's Office,
Toronto, 10th April, 1893.

STANLEY OF PRESTON,

CANADA.

JNO. G. D. THOMPSON, Attorney-General, Canada. } Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To the Honourable George Airey Kirkpatrick, of the City of Kingston, in the Province of Ontario, a member of Our Privy Council for Canada, and one of Our Counsel learned in the law, and to all to whom these presents shall come—GREETING :—

Know ye, that we, reposing special trust and confidence in the prudence, courage, loyalty, integrity and ability of you, the said the Honourable George Airey Kirkpatrick, have, by and with the advice of Our Privy Council for Canada, thought fit to constitute and appoint, and we do hereby constitute and appoint you, the said the Honourable George Airey Kirkpatrick, to be the Lieutenant-Governor in and over the Province of Ontario, one of the Provinces of Our Dominion of Canada, during the will and pleasure of Our Governor-General of Canada.

And we do hereby authorize and empower and command you the said the Honourable George Airey Kirkpatrick, in due manner to do and execute all things that shall belong to your said command, and the trust we have reposed in you, according to the several powers, provisions and directions granted or appointed you by virtue of the Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Thirtieth year of Our Reign, called and known as "The British North America Act, 1867," and of all other Statutes in that behalf, and of this Our present commission, according to such instructions as are herewith given to you and hereunto annexed, or which may from time to time be given to you, in respect of the said Province of Ontario, under the Sign Manual of Our Governor-General of Our Dominion of Canada, or by order of Our Privy Council for Canada, and according to such laws as are or may be in force within the said Province of Ontario.

In testimony whereof, We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed: Witness, Our Right, Trusty and Well Beloved, The Right Honourable Sir Frederick Arthur Stanley, Baron Stanley of Preston, in the County of Lancaster, in the Peerage of the United Kingdom, Knight Grand Cross of Our Most Honourable Order of the Bath, Governor-General of Canada, at Our Government House, in Our City of Ottawa, this twenty-eighth day of May, in the year of Our Lord one thousand eight hundred and ninety-two, and in the fifty-fifth year of Our Reign.

By Command,

J. C. PATTERSON,
Secretary of State.

Recorded 7th June, 1892.

JOHN F. C. USSHER,
Deputy Provincial Registrar.

CANADA.

Instructions to the Lieutenant-Governor or other Chief Executive Officer or Administrator for the time being carrying on the Government of the Province of Ontario :—

Whereas it is enacted in and by the British North America Act, 1867, that for each Province there shall be an officer styled the Lieutenant-Governor, appointed by the Governor-General in Council by instrument under the Great Seal of Canada, and whereas, by and with the advice of the Queen's Privy Council for Canada, I have, by commission, under the Great Seal of Canada, constituted and appointed the Honourable George Airey Kirkpatrick, to be Lieutenant-Governor in and over the said Province of Ontario, one of the Provinces of the Dominion of Canada, and thereby authorized and empowered and commanded him in due manner to do and execute all things belonging to his said command and trust according to the several powers, provisions and directions granted or appointed to him by virtue of the said Act, and of all other Statutes in that behalf, and of the said commission according to such instructions as were with the said commission given unto him, or which might from time to time be given him in respect of the said Province of Ontario, under my Sign Manual or by order of the Queen's Privy Council for Canada, and according to such laws as are or may be in force within the said Province of Ontario.

I. Now therefore, I do by these my instructions under my Sign Manual, by and with the advice of the Queen's Privy Council for Canada, declare my pleasure to be that the Lieutenant-Governor of Ontario for the time being shall, with all due solemnity, cause the said commission, under the Great Seal of Canada, appointing him Lieutenant-Governor, to be read and published in the presence of the Chief Justice for the time being or other Judge of the Supreme Court (or as the case may be) of the said Province, and of the members of the Executive Council in the said Province.

II. And I do further declare my pleasure to be that the Lieutenant-Governor and every other officer appointed to administer the Government of the said Province shall take the oath of allegiance in the form provided by the said Act, likewise that he or they shall take the usual oath for the due execution of the office of Lieutenant-Governor, which oaths the said Chief Justice for the time being of the said Province (or Court, as the case may be), or in his absence, or in the event of his otherwise being incapacitated, any Judge of the Supreme Court (or other Court, as the case may be) of the said Province, or in case of emergency any one duly commissioned by His Excellency shall and is hereby required to tender or administer unto him or them.

III. And I do authorize and require the Lieutenant-Governor from time to time to administer to all and every person or persons, to whom he is by the said Act directed to administer the same, the said oath of allegiance, and generally to administer such other oath or oaths as he lawfully may, and as may from time to time be prescribed by any laws or statutes in that behalf provided.

IV. The Lieutenant-Governor is to take care that all laws assented to by him, in my name, or reserved for signification of my pleasure thereon, shall, when transmitted by him, be fairly abstracted in the margin, and be accompanied, in such cases as may seem to him necessary, with such explanatory observations as may be required to exhibit the reasons and occasions for proposing such laws.

V. Whenever the Lieutenant Governor assents to a Bill he shall, within ten days thereafter, send an authentic copy of the Act to the Secretary of State of Canada.

VI. The Lieutenant-Governor, on receipt of a copy of an Order-in-Council disallowing an Act, with my certificate of the date on which the Act was received by me, shall forthwith make proclamation in the said Province of such certificate and of the disallowance of the said Act.

VII. The Lieutenant-Governor shall not quit the Province without having first obtained leave from me for so doing under my Sign Manual, or through the Secretary of State of Canada.

Recorded 7th June, 1892. STANLEY OF PRESTON.

JOHN F. C. USSHER,
Deputy Provincial Registrar.

No. 58.

Return to an Order of the House of the tenth day of April, 1893, for a Return shewing how often, in the past ten years, the office of Registrar of Deeds for the North and East Ridings of the County of Middlesex has become vacant; the dates when the vacancies occurred and when they were filled, and, if the office is now vacant, how long the vacancy has continued. Presented to the Legislature, 20th April, 1893. Mr. *Meredith.* (*Not printed.*)

PAPERS AND DOCUMENTS

Relating to the Kingston, Napanee and Western Railway Company, the Ottawa, Arnprior and Parry Sound Railway Company, the Irondale, Bancroft and Ottawa Railway Company, and the Central Counties Railway Company.

THE KINGSTON, NAPANEE AND WESTERN RAILWAY.

DESERONTO, ONTARIO, January 31st, 1893.

The Honorable C. F. Fraser, Commissioner of Public Works, Toronto:

SIR,—I beg to enclose a petition of the Kingston, Napanee and Western Railway Company, to His Honor, the Lieutenant-Governor of Ontario in Council, asking aid for the extension of this railway towards mineral deposits as set forth in the said petition named.

I further beg to enclose a time table of the said railway company showing present train service operated thereon.

This application is made concurrently with one relating to the establishment of a charcoal iron and smelting furnace, and I beg that it may receive the attention the subject deserves.

I am, Sir,
Your obedient servant,
R. C. CARTER,
General Manager.

To His Honor, the Lieutenant-Governor of Ontario in Council:

The petition of the undersigned, the Kingston, Napanee and Western Railway, humbly sheweth:

That the Kingston, Napanee and Western Railway Company have now in operation of line from Deseronto to Tweed, from Kingston to Tweed and from Deseronto to Kingston, aggregating a mileage of nearly 100 miles. A train time-table of the said company is hereunto attached.

That the said railway line in construction, conveniences, train equipment and operation is first-class in all respects.

That the said railway line has been of great benefit to industries located on the line, and that further extensions of the said railway have now become necessary in order that the industries along the line may be connected with large supplies of raw material to be found in the townships contiguous to the said proposed extensions. The said townships from which some of the pine has largely been removed, would enable the poorer grade of forest products to be brought to market, and in this way provide a revenue to the Province of Ontario for a number of years, adding largely to the welfare and support of settlers already in such townships and in prospective.

That the construction of the said railway line in the direction of iron and other mines lying convenient to the company's proposed extensions, and more particularly in a northerly and westerly direction, would greatly assist in the utilizing of the mineral and timber resources, notably the rough and coarse pine and other woods along the said proposed extensions, all, or nearly all, of which minerals and woods cannot be marketed without railway facilities.

That in view of the proposed construction of an iron smelting furnace, situate at one of the points reached by the said railway line, further extensions and additions to the railway line are required to the extent of some sixty-four miles.

Your petitioners therefore humbly pray that your Government will aid the Kingston, Napanee and Western Railway Company with a sufficient grant of money to enable the said company to proceed with the work of the said extensions, branches and additions as follows, namely:

To the Kingston, Napanee and Western Railway Company, for sixty-four miles of their railway, being extensions, additions and branches in the counties of Victoria, Haliburton, Peterborough, Hastings, Renfrew, Lennox, Addington and Frontenac, towards ore deposits, furnace sites and points where coarse timber and rough forest products can

be conveniently obtained suitable for making charcoal, a subsidy of $5,000 per mile, payable in instalments regulated by the length of each of the said extensions, additions, or branches, namely :

The said bonus covering extensions from the main line of the said railway with additions and branches thereto, including extensions, additions or branches from the line of other railways over which railways the said Kingston, Napanee and Western Railway Company may be able to satisfactorily arrange for trackage rights, the intention being to have utilized, where convenient to do so, other lines already built and contiguous to points of advantage to be reached.

The said subsidy being payable as follows, that is to say :

$2,500 per mile of said subsidy to be paid for the said mileage named as each mile of said mileage is constructed. Of the remaining portion of the said subsidy one-half to be paid in the following manner : When and so soon as an iron smelter of thirty tons capacity per diem has been constructed on the line of the Kingston, Napanee and Western Railway Company, or on the line of a railway company leased by the said Kingston, Napanee and Western Railway Company, or a line of railway leasing or being connected with the last named company. The said smelter to be built either by the Kingston, Napanee and Western Railway Company, or by another company nominated by the said last named railway company. The remaining portion of the said subsidy to be payable to the said company constructing and working the smelter in seven equal annual instalments. The said smelter being worked during the seven years named to a tonnage of iron aggregating at least one-half of its average per diem capacity. The said smelter using in its operations for the first four years 50 per cent. of Canadian ores, and for the remaining three years of the seven years, 75 per cent. of Canadian ores.

And, as in duty bound, your petitioners will ever pray,

For the Kingston, Napanee and Western Railway Company.

R. C. CARTER,
General Manager.

Dated at Deseronto, 21st January, 1893.

Deseronto, December 7th, 1892.

Dear Sir,—Referring to the charcoal iron smelting at Deseronto, I beg to express my earnest desire to secure its accomplishment during the coming year, which, if practicable, would necessitate a large increase in our forest operations during the present winter, so that the requisite quantity of material for charcoal may be secured.

Such an early inauguration of this enterprise would at once secure to the back country the employment of considerable labor in taking out this material.

I shall be glad to wait upon you regarding this matter at your convenience, for if we are to have the supply of charcoal available at any time during the coming year, we shall soon require to start getting out the necessary coarse timber.

Earnestly hoping for your favorable consideration and early reply, I beg to remain,

My dear Sir,
Faithfully yours,

E. W. RATHBUN.

The Honorable Sir Oliver Mowat, Toronto.

Toronto, January 5th, 1893.

My Dear Sir,—The Attorney-General has forwarded me your letter of the 7th ultimo, relating to the charcoal iron smelting at Deseronto, with a view that I should write you for an outline of your scheme giving :

First ; What you actually propose to accomplish ;

Secondly ; What assistance you would expect from the Government, and in what form ; and

Thirdly; The conditions upon which aid should be given.

The foregoing details are required before the Government is prepared to enter upon a consideration of the question of aid to either mining or smelting enterprises.

Upon being furnished by you with this information, we will be prepared to enter upon a consideration of the questions involved with a view to an early solution of them, either favorable or unfavorable, as a view of the whole situation may seem to suggest or require.

I am, my dear Sir,
Yours very truly,

ARTHUR S. HARDY.

E. W. Rathbun, Esq.,
Deseronto.

Deseronto, January 19th, 1893.

Hon. A. S. Hardy, Commissioner of Crown Lands, Toronto:

My Dear Sir,—In reply to your letter in relation to the charcoal iron and smelting furnace industry, I beg to say that within a few days a definite proposition will be submitted in respect to the said work.

Meantime, I desire to say that in order that the Government may be possessed of our views in this connection, I shall be prepared to furnish personally or in writing such information as may be found necessary from time to time, for we feel that in all matters relating to this enterprise—besides the financial aid required—there is also further needed by the promoters the continuous sympathy and encouragement of the Government, and we feel that this latter can be counted upon, as naturally in the public interest the Government will require to know of the results being attained from time to time during the running of the works.

The grant of aid by the Government to this enterprise will not remove all the difficulties to be encountered, for the financial feature is not the hardest part of the work to successfully build and operate a smelting furnace of this character. We know and are assured that a good deal of hard and anxious work will require to follow the consummation of this scheme, to probably as great an extent as we have experienced in the construction thus far accomplished.

A favorable consideration of the whole matter is earnestly looked for

I am, dear Sir,
Your obedient servant,

E. W. RATHBUN.

Deseronto, Ontario, January 21st, 1893.

The Honorable A. S. Hardy, Commissioner of Crown Lands, Toronto:

Sir,—In further reply to your letter in relation to the establishing of a charcoal iron smelting furnace, we desire to say:

That the manufacture of charcoal iron from Canadian ores would undoubtedly prove an important factor in the future prosperity of the Province of Ontario.

It would employ labor in the preparation of the raw material in the forests and the mines. It would afford traffic for the railways to the furnace. It would also furnish a living for the families of those engaged in the said works mentioned. It would make royalties payable to the Government for ores mined and used; also dues for certain forest products used.

It would enable the manufacturers of Ontario to make castings of a higher grade, enabling them, as it would, to buy the finer qualities of iron manufactured in Ontario.

It would furnish greater facilities for the use of charcoal iron in everything pertaining to iron manufacture, and would in this way contribute to a greater superiority in all lines of iron manufactured, the present price of charcoal iron being so high as to preclude the use of it except in the higher grades of castings, such as carwheels, malleable castings, and so forth.

The construction of a charcoal iron furnace is rendered possible only through the use of the Kingston, Napanee and Western Railway Company and the extensions proposed to be made by that company, enabling us, as it will, to secure through the extension of the said line, ores largely from the townships of central Ontario at first hands from the mines, the rough forest products at lowest cost for the manufacture of charcoal, and the transportation of all assured by the means mentioned.

The necessary charcoal kilns to supply the smelting furnaces to the capacity contemplated in the outset will involve a minimum investment of some seventy-five thousand dollars ($75,000). So soon as the furnace is worked to its average capacity an additional $15,000 to $25,000 will require to be expended on additional kilns.

Where a minimum of 20,000 cords per year is required it will be necessary to calculate a standing investment in timber and lands of not less than $60,000 to $75,000, and of this the present investment is $25,000 to $35,000, not considering therein any part of our Crown timber limits. It is further essential just now to know that additional timber lands can be purchased to secure an additional charcoal supply.

The furnace proper of a capacity of thirty tons per day and equal to a coke iron furnace of some fifty to sixty-five tons per day, with the necessary motors, ore cars, machinery, buildings and appliances, with tracks, will require an outlay or investment of at least $120,000.

In view of the foregoing, we respectfully beg to submit the following proposition:

Provided a bonus of $5,000 per mile for extensions, additions and branches aggregating sixty-four miles is granted to the Kingston, Napanee and Western Railway Company on the terms and conditions set forth in a petition to His Honor the Lieutenant-Governor of Ontario in Council, bearing even date herewith, we will undertake to erect and put in operation a furnace of a capacity of 30 tons per day of pig iron, that is of a size that, if manufacturing coke iron would equal some fifty tons of pig iron per day, and provided further that a sale will be made to us by the Crown Lands Department of Ontario of 20,000 to 30,000 acres of wild lands in places accessible to the line of the Kingston, Napanee and Western Railway Company and its proposed extensions, at the rate of fifty cents per acre, the said lands to be selected by agreement between the Crown Lands timber agent and ourselves, and to be in the townships contiguous to the railway facilities mentioned, and to be in reasonably convenient areas from which the wood can be taken to the said railway line and its extensions as mentioned.

This would assist in providing a reasonable reserve of charcoal timber and tend to protect the enterprise against speculators who might seek to anticipate and secure such land as would be requisite for the future supply.

Every reasonable protection by the Crown Lands Department of our interests in timber licenses will be necessary even with the outlay for charcoal timber lands mentioned to protect the industry against speculators. The *bona fide* settler is a factor necessary in successfully taking out the charcoal timber.

This application is made in connection with an application to the Lieutenant-Governor in Council for aid to assist in the extensions of the Kingston, Napanee and Western Railway required to reach ore deposits and areas of coarse forest products, and while being made separate, we beg that they may be considered together, as the furnace project is largely contingent on the necessary aid being given to extend the line of the said railway mentioned.

All information at our command will be cheerfully given as may be required by the Government.

We are, Sir,

Your obedient servant,

THE RATHBUN COMPANY.

The Honorable Sir Oliver Mowat, Premier :

DEAR SIR,—We are all agreed upon the need of iron smelting works in Ontario.

The query naturally arises, Is the consumption of iron in Ontario sufficient to warrant the erection of a furnace ?

Can we hope to produce iron as cheap in Ontario as is being done in the States ?

Should the Government of Ontario give aid in a substantial form to this industry ? If so, to what extent, on what lines and to which locality ?

How shall this aid be extended ? Shall the encouragement be given to a charcoal or a coke smelting plant, or both ?

No doubt there are warm advocates from every iron district ; but as far as I have learned nearly if not quite all give the preference to that produced by the use of coke.

We are all honorably obligated to accord the Government a record of our experience, our knowledge and our best judgment regarding the possibilities and most practicable means for the development of those great mines of wealth.

I wish modestly, yet earnestly, to press the claim of the Bay of Quinte district as the oldest inhabited section of the Province ; as the one from which the largest payments into the provincial treasury have been made ; the section in which the establishment of such an enterprise will do the most good, and so located that the results of the combined effort will be most potent in influencing others to similar enterprises.

The Government of Ontario are custodians of the public interest, trustees of the people, and partners, also, with us in the ownership of the great, but comparatively unoccupied and undeveloped territory so full of rich and varied raw material of soil, forest and mine, and comprising clay, marl, coarse timber and minerals.

In the vast expanse of country reaching from the Rideau to the Muskoka—all tributary to this Bay of Quinte section—there have been expended vast sums of money in excellent colonization roads and improvements of streams and waterways, all to encourage settlement, to build up prosperous agricultural communities, to invite capital and encourage labor, and they afford ample evidences of the recognition in the public interests of the need of such an occupancy and development. .

Those who know that section of country recognise the general failure of these efforts to accomplish the desired end, and the brules and deserted homesteads bear witness to the fact that agriculture there must be strengthened by other occupations during the long winter, the present condition of that industry there, being, perhaps, due to a considerable extent to the broken character of the country, the small percentage of arable land and the expense of removing a growth of timber that to-day has generally no marketable value.

The records of the Crown Lands Department show decreasing returns from lumbering operations, and it undoubtedly is a matter of much moment with the Honorable Commissioner how to sustain the forest revenues and at the same time develop agricultural, mining and other industries upon safer and surer methods than those heretofore adopted.

The forests as a whole in the section of country referred to are practically in the same condition that the farms of the front townships were in but a few years ago, the soil exhausted of its richest and best properties ; and yet the Government, representing the most progressive interests, true to its obligations, by the establishment of agricultural colleges, experimental farms, the use of bulletins and travelling dairies, taught the people how to renew the fertility of soil and lifted agriculture out of the lethargy and despair into which it had fallen. The large expenditures which have been to this end made are justified by the grand results attained, and to-day, as a consequence, the substantial interests of the Province, so largely based on agriculture, have entered upon a new and prosperous era.

So with the forest. The richest and best timber having been largely removed, the settlers, occupied during its removal, have followed in the wake of the lumberman and moved to new timber sections.

The want of near markets for the sale of the products of their summer's farm work, the lack of demand for coarse timber, which must be removed for the cultivation of the patches of arable land, and the want of winter employment thereby secured, have largely contributed to this migration.

The deserted roads, the unproductive capital invested therein, the dormant mines, and, generally speaking, the unused coarse timber of the forests, are all on a par with the former condition of many of the older agricultural sections, waiting for that manifestation of interest and encouragement on the part of the people through their representative, the Government, which, once practically manifested, will infuse confidence, activity and prosperity not only to that section, but to the towns and cities of the front with which those of the rear townships trade, and, in fact, to every part of the Province.

There is an unlimited extent of coarse timber, much of it unfit for lumber, and yet very much that can be saved and made profitable for such when opportunity is afforded for marketing the coarser parts of the tree.

The forests of central Ontario are to-day capable of sustaining many minor industries once the channel of demand and supply is opened, and this the establishment of smelting works would accomplish.

In the same territory are immense deposits of iron, accessible, abundant and rich. The same principle of encouragement, and yet to a far less extent than with agriculture, will secure the establishment of charcoal smelting furnaces, that will produce results only second to what the experimental farms, schools and dairies have accomplished.

It is quite patent that farming cannot prosper to-day except the raw products are by the farmer converted into form ready for the consumer's use. Hay, straw, corn, coarse grains, etc., must all be converted into cheese, butter, beef, pork, eggs, etc., to secure a return that will elevate and sustain the farmer in the position he is entitled to enjoy.

Are the forests of less value to the public than agriculture? Are the undeveloped minerals and wasting timber unworthy of the same development accorded to the exhausted soil? Think of the employment of the thousands of workmen, of the happy homes in the back townships, of their employment the year round and the practically new fields for our enterprising merchants, manufacturers and capitalists, that would accrue from this grand industry.

The greatest economic enterprises of the age are those combining the utilization of waste products.

Can you do better by the farmers than to give them thousands of laborers to feed where there are practically none?

Can you utilize our transportation lines better than to give them the additional work that this new employment of capital and labor will afford?

Our people are frugal and economical—even more so than our neighbors to the south. We have grand routes opened up to the world; we have transportation at reasonable rates; we have capital at reasonable cost, and there is required just a little encouragement and help to start the wheels of this great mining industry, the result of which will far transcend those of any enterprise you can conceive of.

Nature has been prolific in her gifts of raw material in the forest, the mine and the soil, and within this territory we have these great factors upon which may be successfully built commercial enterprises that will produce very many of those great staples for which we now look to other lands.

The people are united and agreed that this heritage, these undeveloped riches, should be moulded into form, giving increased employment to the masses, extending the bounds of agriculture, increasing our home markets and adding to the general prosperity of the Province.

If the Government consider agriculture paramount to all other interests, there is no expenditure they can to-day make that will increase and encourage the prosperity of that great branch to the extent that will come from the development of our mining interests, which governmental encouragement and aid can now inaugurate.

It is easy to look on and say what should be done, but in my sphere I have sought

by application and effort to utilize the lowest grade products of the forest, to bring into commercial form some of the rich mines of wealth that are in the section in which it has been my privilege to operate, and to which I am directing your kind attention.

Although your income from the forests of central Ontario is on the wane, and we only of all lumbermen of that district have kept payments up to former figures, it has been accomplished upon a basis of not to exceed 20 per cent. of merchantable timber against 75 to 80 per cent. taken out in the Ottawa Valley, but subject to the same tariff and dues, demonstrating unmistakably to my mind that the new industries it has been our privilege to inaugurate have made this economy possible.

To sustain my contention that you can make valuable the coarse timbers of our forests and save from decay many small patches of choice but isolated timber, and thereby perpetuate the revenues of our Province, people that section with a happy, contented and growing population, create a market for your wild lands, aid agriculture, utilize the largely deserted colonization roads you have constructed and the great highways of the Rideau, the Trent and Muskoka waters, and give life to the old towns and cities on the front, I must risk taking up your time by asking your kind attention to what the people of Deseronto have already accomplished, and all with the earnest hope that you may conclude that the experience of some of the business men of that town warrants your acceptance of their co-operation in their efforts to establish this crowning industry of charcoal iron smelting within their precincts.

To-day their railway system of some 100 miles makes accessible to Deseronto the unfloatable timber of the Napanee, Salmon and Moira rivers.

Already the marl and clays found along that railway are being converted into hydraulic and Portland cement and fire proofing terra cotta goods. Considerable coarse timbers from the forests and all the waste from the mills are converted into power, gas, fuel, charcoal, acetates, timber-preserving oils and pitch, to the extent that there is not a live tree in the forests of that territory, a cord of refuse, or a bushel of sawdust at the Deseronto mills (which have a yearly output of 50,000,000 feet) but is made use of in industrial enterprises.

From the wood distilling works there established are daily shipped to Detroit charcoal furnaces some 1,500 bushels of charcoal—enough to sustain a 15-ton furnace.

The works have been constructed with an eye to an enlargement to supply the charcoal for a furnace of modern capacity.

The railway system has been constructed with due regard to an adequate and continuous supply of charcoal timber.

The limestone is on the spot, for it is the foundation of the town.

The ores in the counties of Victoria, Haliburton, Peterborough, Renfrew, Hastings, Lennox and Addington and Frontenac, and in the neighborhood of the Rideau, can be connected by the construction of some sixty-four miles of railway extension.

The cost of the charcoal at safe figures is accomplished. The transportation cost of the charcoal fuel and of the ore is and will be at the minimum.

Every important factor that enters into the successful manufacture of charcoal iron is proven after nine years of labor devoted to the establishment of the railway and industries named, and all leading up to this most important one; and there remains only the extension of the sixty-four miles of railway in sections as required, the opening of the mines from year to year, and the construction of the furnace to inaugurate this enterprise.

The amount expended in the railway named is considerably over $1,000,000, in the charcoal works quite $60,000, and the aid needed to complete the railway extension, ensure reasonable protection in adequate charcoal wood supply, to open up the mines and erect the furnaces, is all set forth in our application to the Government dated January 21st, 1893.

We ask this aid that no time may be lost in getting the work under way, feeling assured that it will encourage rather than retard the establishment of similar works elsewhere; for, with the aid accorded, the results may be open to the Government for the information of all.

The labor employed in working a 30-ton charcoal furnace means 500 able-bodied men, which is nearly double the number required in the operation of a coke furnace in Ontario.

The sale of Government wild lands, and the creation of happy homes and possibilities of agriculture which would arise from the employment of those men in the charcoal wood output, quickly demonstrate with what I have before said, the advantages to our Province of the charcoal furnace over that by coke, and for which coke we would be dependent upon another people.

Then again, a strong argument for the use of charcoal as against coke, and the location at Deseronto as against the world, is from the fact that still another and important industry would be inaugurated in creosoting timber for railway construction, for in producing the charcoal for even a 30-ton plant there would be produced acetate enough to make all the Paris green to-day needed by the farmers of Canada in their destruction of potato bugs; wood alcohol sufficient for the present demand to make the methylated spirits Canadian industries require; and creosoting oils sufficient to yearly convert the life of one hundred thousand railway sleepers or ties from an average of five to that of twenty-five years.

Again in the Bay district you have timber that is wasting; much of it denuded, stripped of what lumbermen consider the marketable grades, and consequently the balance more exposed to the ravages of fire.

You have old cities, towns and villages at the front to which the encouragement, new life and activity that this industry would inaugurate is honestly due.

You have a large investment in the colonization roads and water highways through that section that would thereby be made valuable and dividend-paying, and which is now largely valueless.

New hopes, new faith and new life would inspire the hardy settlers and business men of that whole expanse of country, and by the time the fumes from the furnace would be seen an increase would be felt by the Government in their income, by the wholesale merchants and manufacturers in the orders that would come to them through these new settlements, and to you gentlemen, and to the few who have bothered you much and often in these interests, would be the honor of the new era of prosperity upon which our Province would surely enter.

The aid asked for in letters of January 21st, 1893, seems moderate, nay, even small as against at least $1,250,000 already expended to this end and $300,000 that will yet be required to establish this business industry upon the basis its importance warrants.

I trust, dear Sir Oliver, that the facts that I have presented, coupled with your own and your colleagues' knowledge of the section of country to which I have referred, will influence your Government to expend the aid I ask, and thus honor me as the medium for the construction of the first charcoal iron furnace in Ontario.

E. W. RATHBUN.

Deseronto, Ontario, April 5th, 1893.

Deseronto, April 20, 1893.

To the Hon. Sir Oliver Mowat, Premier and Attorney-General, Toronto:

Dear Sir,—In addition to the remarks it was recently my privilege to make to yourself and colleagues regarding charcoal iron smelting works at Deseronto, and of which I attach a copy, I beg most respectfully to submit a few additional reasons why the aid asked for should be extended towards the establishment of such works at this place.

I beg to remain, dear sir,

Yours very truly,

E. W. RATHBUN.

Ontario agriculturists, even to keep their families about them, seldom divide up their farms as is customary in Quebec; hence, upon the sons attaining to man's estate they generally depart for new fields of occupation.

A successful settlement of wild lands in the back townships of central Ontario based upon agriculture cannot be accomplished as against Manitoba, where land, although not so cheap in price as in Ontario, is incomparable in richness and readiness for the plough and will of itself, without the aid of forest and mine, yield an abundant return upon the labor and money expended.

In those districts of Ontario open for settlement there is but little, if any, mercantile pine: but the arable land, averaging quite 50 per cent, as well as any rocky portion of the lot, is generally covered with coarse timber, while the swales, if any, produce a very excellent fodder.

Those who have given the matter attention at once recognise the necessity of some plan to increase the value of these lands and make them profitable for occupancy, and of all the methods proposed none offer so practicable and permanent and satisfactory results as those based on the charcoal iron industry. That established, the settler finds a profitable value in his coarse timber and employment for himself, his teams and cattle during the winter months in taking it out, thus utilizing many of his agricultural products.

It is in the general interest that settlers or occupants combine the work of timber-removing and agriculture rather than accomplish the latter, by the employment of temporary workmen. Experience has clearly demonstrated that an occupant or owner will cut down and manufacture into logs, charcoal wood and other marketable form, the timber from the land he desires to clear, with the best economy to buyer and seller, and to that end will carefully arrange his work so that at all times of the year he can employ his time profitably at farming, dairying and taking out of timber as circumstances may warrant.

When to the available employment of the occupant of the lot we add the work in the iron mines that is presented to our working men in taking out ore necessary to the furnace, and the labor and capital necessary to transport the commodities of the soil, the forest and the mine to their destinations, it is not difficult to foresee the excellent markets and prosperous settlements that soon change the character of the township not only in its relations to its people, to our workingmen, to the merchants and manufacturers, but to the Province at large.

The section of country from which both charcoal timber and ore would be drawn in support of a furnace at Deseronto would extend from the Rideau waters on the east to the Trent waters on the west, and north to the Madawaska, which is an expanse of country containing charcoal timber in sufficient abundance to support and maintain many furnaces, besides making available excellent hardwood timber for other industries, and into which expanse of country nearly all the railways and colonization roads penetrate, connecting them with county towns and other trade centres, thus affording to others the same privileges as regards the charcoal iron enterprise.

This industry would, I believe, place large sections of the Crown lands of Ontario on a par in point of profitableness with those of Manitoba, inasmuch as it would make the coarse timber far more than pay the expenses of clearing, and would secure to many industries the best trees of the hardwood forest, which now, as a rule, have but little if any value; and it would maintain the revenue of the forests from sales of wild lands and impart thereby an increased value to the adjoining or unsold lots.

One charcoal furnace of even thirty tons capacity will secure to the back country, from which the charcoal timber is drawn, employment for not less than 500 heads of families, every one of whom is likely to become the owner of his lot.

The extent of labor employed at the furnace proper, while valuable to a community, does not compare with that afforded by the work that is carried on in the forests, at the mines, in the transportation, and through the towns, shops, etc, supported thereby.

Through the support of a railway by this industry new sections of country are opened up and made available, and convenient markets at all the stations or stopping places are secured; thereby indirectly benefiting areas of country that otherwise would be long in becoming settled.

The aid asked would quickly start the construction of the furnace, would warrant the extension of the railways to the ores of Victoria, Haliburton, and the Rideau, and would quickly give to the people the practical results in cost and quality of iron produced, and would, I am confident, afford every encouragement to other communities to undertake the

same work, being assured that in ore and charcoal timber there is an abundant supply, and for the charcoal iron product an ample demand.

In Manitoba no expenditure of labor or capital is necessary to prepare the soil for the crop, while in Ontario the soil, the timber, and the mine are so related that for agriculture alone they cannot profitably be utilized; but with the present dormant factors of coarse timbers, arable soil and unopened mines brought by this great industry into profitable use, the latent wealth of these wild lands would rival in results all that agriculture alone in Manitoba can attain.

All the cities and towns of the front, as well as of the interior, must recognize the great value these back townships would be to them were this condition of affairs inaugurated.

All the leading trade centres of the district, such as Kingston, Belleville, Napanee, etc., are connected by excellent county and colonization roads, and the channels of trade from them are already opened, so that this advantage would unquestionably be enjoyed by the new condition of affairs in the back townships irrespective of the location of the furnace.

I would be willing to forego our claim to any special consideration were it not that after years of effort and at large expenditures everything to ensure the success of the enterprise has been accomplished, and there now remains only the furnace to be erected, additional kilns to be built, and the short extension of railway to be constructed, all of which can be done during the erection of the furnace and which would promptly commence to secure the improvements outlined.

I have no hesitation in stating that I know of no preparations under way or contemplated by which this section of Ontario is likely in any reasonable time to secure a charcoal iron furnace except at Deseronto, and I earnestly hope that your Government may, in the general interests of the Province, (for our individual interests are comparatively insignificant), accord us the aid to this desirable end.

I remain, dear sir, with every respect and confidence,

Your obedient servant,

E. W. RATHBUN.

To Hon. Sir O. Mowat, Toronto.

Deseronto, April 21, 1893.

To the Honorable Sir Oliver Mowat, Premier and Attorney-General, Toronto, Ont.:

My Dear Sir,—Permit me to add two additional reasons why charcoal iron works should be established at the earliest practicable moment in this section of Ontario:

1. That 500 to 1,000 families who would be directly interested in the preservation and utilization of the timber upon their lots (now wild and unoccupied), as well as the many others who would also be encouraged to purchase wild lands from the Government, will all become earnest and interested fire rangers, carefully guarding the timber on their own and the Government lands from the ravages of fire.

2. Owing to the number of cars returning empty, the charcoal iron works located in the vicinity of Three Rivers, Quebec, are enabled to deliver their product to points in eastern and central Ontario, and, in fact, as far west as Toronto, at probably a cheaper rate of freight than it would be practicable to obtain from the Lake Superior district to this section, and in consequence of which the Quebec furnaces will steadily continue to extend and strengthen their hold upon a trade in our Province which Ontario herself should possess.

If we would place Ontario charcoal iron in a position to successfully meet the Quebec product at Montreal, and compete with it upon at least as favorable a basis in eastern and central Ontario, the erection of a charcoal iron furnace at Deseronto or some other point in this district is absolutely necessary, and, as before stated, the fact that in this section other than ourselves no one has as yet made any arrangements for the construction of such a plant, in my opinion, materially increases the strength of our application.

I remain, dear sir,

Very truly yours,

E. W. RATHBUN

To His Honour the Lieutenant-Governor of Ontario in Council assembled:

The petition of the undersigned warden, reeves, deputy-reeves and municipal officers of the municipalities situate in the central portion of the Province of Ontario humbly sheweth;

That your petitioners, being deeply impressed with the importance of the establishment of iron industries in Ontario, desire to unite with all others similarly interested in urging upon the Government the necessity of aiding in the speedy establishment of such an industry.

Central Ontario contains within its area all the charcoal timber and ore required for the support of many charcoal iron furnaces for years to come, all made available by railway communication and good roads, and promising great prosperity to the whole district when these advantages can be made use of by the erection of a smelting furnace.

Such an industry, it is believed by your petitioners, would enhance the value of the Crown lands of Ontario, conserve its revenues, encourage rapid settlement thereon, prevent unnecessary waste and loss in clearing lands, give a ready market to the farmer for his coarse lumber as well as his best timber, promote trade in all centres, and give employment to a large population throughout the back districts as well as at the point selected as the site of the furnace.

Your petitioners would desire to call special attention to the fact that in no other part of the Province has so much been done by private enterprise towards the establishment of the iron industry as in this district, and to-day the erection of a furnace would complete the works now in actual operation (by the Rathbun Company of Deseronto) and give the Province at once the practical results as to cost and quality of the iron produced.

Your petitioners feel confident that the erection of a furnace in this district, where there is abundance of ore and charcoal timber, would, if successful, as your petitioners believe it would be, encourage other communities to undertake the same work and secure to this Province its own trade—now to a large extent monopolized by the products of the sister Province of Quebec and foreign countries.

Your petitioners therefore pray that your Honor in Council assembled will be pleased to take such steps as will allow of the speedy establishment of iron industries in the Province of Ontario.

And your petitioners as in duty bound will ever pray.

1st May, 1893.

F. J. THOMPSON, Warden, County of Hastings.
THOMAS WILLS, Treasurer of County of Hastings.
WM. R. AYLSWORTH, Clerk of County Council, Hastings.
N. VERMILYEA, Reeve of Thurlow.
G. M. CALDWELL, 3rd Deputy-Reeve of Thurlow.
D. W. FAULKNER, M.D., 1st Deputy-Reeve of Thurlow.
G. M. FARLEY, Reeve of Sidney Township.
JOHN A. HOLGATE, 1st Deputy-Reeve of Sidney.
DENNIS HANLEY, 1st Deputy-Reeve of Tyendinaga.
WM. McLAREN, Reeve of Tyendinaga.
PATRICK McALPINE, 2nd Deputy-Reeve of Tyendinaga.
JOHN NEWTON, M.D., Reeve of the Town of Deseronto.
H. B RATHBUN, Deputy-Reeve of the Town of Deseronto.
JAMES HAGGARTY, Reeve of Township of Huntingdon.
PAUL KINGSTON, 1st Deputy-Reeve of Rawdon.
JOHN FLEMING, Deputy-Reeve of Huntingdon.
JOHN TANNER, 2nd Deputy-Reeve Rawdon.
W. S. MARTIN, Reeve of Sterling Village.
JAS. MONTGOMERY, Reeve of Township of Rawdon.
J. K. McCARGAR, 2nd Deputy-Reeve of Thurlow.
JAMES CLARE, 1st Deputy-Reeve of Hungerford.

ADAM McGOWAN, Reeve of Tweed Village.
ALEXANDER GLOVER, 1st Deputy-Reeve of Madoc Township.
WM. THOMPSON, Reeve of Madoc Township.
JAS. WHYTOCK, Reeve of Madoc Village.
A. NICOLSON, 2nd Deputy-Reeve of Madoc Township.
WILLIAM HILTON, Deputy-Reeve of Marmora and Lake.
W. E GLADNEY, Reeve of Marmora and Lake.
P. P. CLARK, Reeve of Township of Limerick.
R. S. TIVY, Reeve of Township of Wollaston.
ALLEN OLIVER, Reeve of Township of Richmond.
JOHN S. DENCH, 2nd Deputy-Reeve of Sidney Township.

THE KINGSTON NAPANEE AND WESTERN RAILWAY COMPANY,

DESERONTO, ONTARIO, 10th May, 1893.

The Hon. Sir Oliver Mowat, Premier, Province of Ontario, Toronto:

DEAR SIR,—At the interview which I had the honor to have with yourself and colleagues Saturday last in relation to the application of this company for aid to make certain extensions, it was suggested that perhaps a map or sketch would be of advantage in showing the territory likely to be traversed by the said extensions. In further considering the matter I feel that the application as made fairly well sets forth the ground proposed to be covered by the extensions, that is to say, we mention the extensions being within the Counties of Victoria, Peterborough, Hastings, Renfrew, Lennox, Addington and Frontenac. The little sketch submitted shows the railway lines now built, and we propose, if possible, to utilize in this connection the Haliburton line, the Irondale line, the Central Ontario line, the Belleville and North Hastings line, our own line, and the line of the Kingston and Pembroke Railway Company; that is to say, one or more or such of them as may on subsequent investigation, satisfy us as to quantity, quality and character of ores, the location of ores, rough forest products, and so forth. It is highly important to this company that the aid should be granted on the lines set forth in the application, because the object is to make the said aid go as far as it possibly will; that is to say, this company should have power to use the whole of the subsidy in the building of one or more direct lines to the extent of the mileage granted; that is to say, the whole of that portion of the subsidy applicable to the building of extensions; the other portion of the subsidy applicable to the smelter being dealt with in the manner indicated in the said application referred to. In this way, then, it will not be possible for a railway company whose lines we propose to utilize to charge us exorbitant rates for trackage and so forth.

Further, the aid should be so granted that it would be possible for us to cut it up into small pieces of one or more miles so that we could use other lines as mentioned by securing trackage rights and building extensions from the lines of railways over which trackage rights had been secured to desirable objective points.

Any further explanation will be cheerfully given.

I am, dear Sir Oliver,
Your obedient servant,
R. C. CARTER,
General Manager.

OTTAWA, ARNPRIOR AND PARRY SOUND RAILWAY.

OTTAWA, 3rd April, 1893.

To the Hon. Sir Oliver Mowat, Q.C., K.C.M.G., Premier of the Province of Ontario:

SIR,—On behalf of the Ottawa, Arnprior and Parry Sound Railway Company, I beg to lay before you the progress made since I had the pleasure of addressing yourself and colleagues last spring respecting aid for this line of railway.

1. The road has been built from Ottawa to Arnprior, a distance of 36 miles. The bridging on this portion of the road alone has cost over $140,000 or $4,000 per mile.

2. We are now building a bridge across the Madawaska at Arnprior, which will cost (estimated) $42,000.

3. Tenders are now under consideration for the construction of seventy miles westward from Arnprior. This includes the thirty miles for which your Government has been pleased to grant a subsidy of $3,000 per mile.

4. Timber, ties, telegraph poles and posts for the completion of these seventy miles have been taken out this season and distributed along the line.

5. We have taken over the contract for the construction of the Parry Sound Colonization Railway, which had been at a standstill for nearly two years, owing to the late contractors being unable to go on further. Work is now being pushed vigorously and will continue until Parry Sound is reached. This will form the western end of our line.

As stated in my previous communications, a complete survey of the whole route from Ottawa to Parry Sound has been made, and it will only tax your valuable time for me to repeat the many claims which I had previously laid before you, and upon which were based our request for aid, further than to state briefly:

It will act as a powerful colonizer.

The country through which it passes, (that is, about 105 miles, the portion for which we now ask aid), is wholly without railway facilities, and is capable of great development.

A large revenue will be derived from forest products not now marketable without transportation facilities.

The development of minerals and revenue arising therefrom.

Thirty-six miles are now constructed on the eastern end and twenty miles on the western end.

In alluding to through traffic, it has been said lately that it will only divert business now existing from an old to a new route. This, I contend, is not correct, for we purpose creating a new business, one which heretofore has gone to American lake ports. We, therefore, cannot injure the business of any of our Canadian lake ports.

We now have made substantial progress at both ends, having over 56 miles constructed, at an expenditure of $726,000, and promise to have 70 miles more this year. Under these circumstances I would respectfully urge that in order to insure its successful completion at an early date, the usual grant of $3,000 per mile on that portion of the line from a point 30 miles west of Barry's Bay to Scotia, a distance of 105 miles, be made; also, that you may be pleased to renew the grant on the 30 miles west of Eganville to Barry's Bay.

I beg to remain, sir,

Your obedient servant,

J. R. BOOTH,

President.

To the Honorable Sir Oliver Mowat, Q.C., K.C.M.G., Premier of the Province of Ontario:

The Petition of the Municipal Council of the Township of Brudenell humbly sheweth:

That the Ottawa, Arnprior and Parry Sound Railway Company have surveyed their line of railway from the city of Ottawa westward to a point where it intersects the line of the Northern Pacific Junction Railway, and have already constructed that part of their line from the city of Ottawa to the Town of Arnprior, and are continuing the construction of their said line westward;

That the line of the said Ottawa, Arnprior and Parry Sound railway, for a long distance from the county of Renfrew westward, will run through a tract of country now wholly unsettled and through which there is not any railway, and the construction of the said railway will open up for colonization and settlement purposes and develop the resources of a large part of that tract of country;

That the opening up of that part of this Province for settlement and colonization by the said railway will be of most material benefit to the municipality which your petitioners represent, and also, your petitioners believe, to the whole of this Province;

That the construction of the said railway through a large portion of the said tract of country will be very expensive, and your petitioners desire the Government of this Province to assist the said Railway Company to construct the said railway through that part of this Province from Barry's Bay westward by granting to the said Company aid by way of subsidy.

Wherefore your petitioners pray that the Government of this Province may be pleased to assist the said railway company to build the said railway from Barry's Bay westward by granting to the said company aid by way of subsidy.

And your petitioners, as in duty bound, will ever pray, etc.

Dated 25th February, 1893.

JOHN WHELAN,
Clerk.

{L. S.}

JAMES COSTELLO, Reeve.
JOHN DEVINE,
PATRICK HOULIHAN,
JOHN GALLAGHER,
FREDERICK KUHL.
} Councillors.

NOTE.—Similar petitions were presented by the Muncipal Councils of the Township of Wilberforce, the township of Grattan, the township of Sebastopol. the united townships of Raglan and Radcliffe, and the united townships of Hagarty, Sherwood, Jones, Richards and Burns.

Estimate of the cost of construction of that portion of the Ottawa, Arnprior and Parry Sound railway, from Barry's Bay, in the township of Sherwood, county of Renfrew, to Murchison, district of Nipissing, Province of Ontario. Distance, 31¾ miles

Clearing, 381 acres at $25 per acre		$ 9,525
Close cutting and grubbing, 38 acres at $100		3,800
Earthwork (embankment), 320,230 cubic yards at 23 cents		73,652
Solid rock excavation, (gneiss, bastard granite), 119,126 cubic yards at $1.60		190,602
Bridge masonry, 3,260 cubic yards at $12 per yard		39,120
Bridge Superstructure—		
One 100 feet span, $5,800 each		5,800
Five 30 " 570 "		2,850
Two 20 " 320 "		640
One 12 " 120 "		120
Seven 10 " 110 "		770
Wooden culverts (cedar)—		
35 box culverts, 47 feet long	354,000 feet	
17 open " 37 "	135,000 "	
	489,000 at $22	10,750
Pipe culverts, 515 feet of 2 foot cast iron pipe, at $5 per foot		2,575
Cattle guards, 10 pair cattle guards, iron surface, at $50		500
Fencing and gates, 20,320 rods at $1 per rod		20,320
Ties, 83,820 at 25 cents per tie		20,955
(Add 10 per cent. for sidings)		2,095
Rails (72 lb. per yard), 113 tons per mile, 3,588 tons at $27 per ton		110,876
(Add 10 per cent. for sidings)		11,087
Joints and fastenings (Add 15 per cent. of rail cost)		16,630
(Add 10 per cent. for sidings)		1,663
Frogs and switches (complete), 3 station sets, 1 set for each station, at $400 per set		1,200
Water tanks and pumping outfit (complete), 1 water tank		2,000
Station buildings, 3 station buildings, $2,500 each		7,500
Telegraph line, 31¾ miles at $150 per mile		4,762
Track laying, 31¾ miles at $250 per mile		7,937
(Add 10 per cent. for sidings)		793
Ballasting, 2,000 yards per mile, 63,500 cubic yards at 35 cents		22,225
(Add 10 per cent. for sidings)		2,222
		$572,969

Equals $18,046 per mile, exclusive of equipment or right of way.

GEO. A. MOUNTAIN,
Chief Engineer, O., A. & P. S. Ry.

IRONDALE, BANCROFT AND OTTAWA RAILWAY.

To the Honorable Sir Oliver Mowat, Attorney-General, Toronto :

Dear Sir,—The Irondale, Bancroft and Ottawa Railway Company hereby apply for a subsidy of $3,000 per mile on their line of railway for 30 miles, commencing at the end of the 20th mile as now graded and continuing for 30 miles eastward, to a point in the township of Dungannon, near the village of Bancroft.

The company now has its line permanently located from the point of junction with the Grand Trunk Railway (Midland Division), near Kinmount, eastward to the township of Dungannon, a distance of 50 miles.

Ten miles are completed to Irondale and the road is in operation. Ten miles more are graded eastward from Irondale on this section, and the rails will be laid in time to operate by July 1st next. A subsidy from your Government has already been voted on this section. The company desires to complete grading the 30 miles during this year.

The labor on the road already built has been done largely by the settlers along the line; in this way they have received a direct benefit from the distribution in their midst of so large an amount of money, the cost when completed of the 20 miles being over $250,000. It is our purpose to build the remainder of the road on the same plan.

Preliminary surveys have been made for extending the line eastward *via* Plevna to a connection with the Brockville, Westport and Sault Ste. Marie Railway, through the mineral district all the way, the intention being to get an outlet to eastern Pennsylvania for iron ore, the connection being made with the American system of railways by the proposed bridge over the St. Lawrence river at Brockville, for which legislative authority has been obtained from both the Canadian and United States Governments.

I hand you herewith a map showing our line as located and the amount of work done.

I have the honor to be, yours truly,
CHAS. J. PUSEY,
President I., B. & O. Ry. Co.

Toronto, Ontario, April 13th, 1893.

Toronto, 13th April, 1893.

The Honorable A. S. Hardy, Commissioner of Crown Lands, Toronto :

Sir,—On behalf of the Bancroft Iron Company I make application for a reserve of woodland of 40,000 acres along the line of the Irondale, Bancroft and Ottawa Railway for the purpose of supplying a charcoal blast furnace at some suitable point on the line of said railway.

If this reserve of woodland can be secured, either by purchase by our company from your Government or by a license to cut the wood, on such terms as will enable our company to successfully operate their proposed furnace, we will erect a blast furnace within a stipulated time, of such size as to produce 100 tons of pig iron per day.

The Irondale, Bancroft and Ottawa Railway will be extended through the mineral belt of Ontario, and offer to contract with the Bancroft Iron Company or any other similar organization to transport iron ores, limestone, wood, or charcoal to any given point on their line at low rates of freight. By this arrangement we would be enabled to accept tracts of woodland at different points on said line.

By the operation of a charcoal furnace on the plans here proposed, we are enabled to concentrate the materials at the lowest possible cost, thereby evading the risk of failure which has so often resulted in the United States by reason of improperly located furnaces. The establishment of a charcoal furnace within easy reach of all the materials used insures the distribution of every dollar of cost in producing the pig iron among the people of this Province; whereas if mineral coal is used a large proportion of the cost

has to be sent abroad for fuel, transportation, etc. If our application is approved and the terms of license or sale of wood reserve agreed upon, we will be prepared to invest the requisite amount of money and to proceed with the work so soon as the terms are settled with your Government and the site for the furnace selected.

I have the honor to be, Sir,
Your obedient servant,
CHAS. J. PUSEY,
President Bancroft Iron Co.

TORONTO, May 5th, 1893.

To the Honorable A. S. Hardy, Commissioner of Crown Lands:

SIR,—Referring to our application of April 13th for a reserve of wood lands, I beg to add, that subject to the grant being made we have arranged with the parties who control the Irondale, Bancroft and Ottawa Railway to guarantee the erection of the furnace by setting aside an amount of their bonds sufficient to realize $250,000 for use in erecting the furnace. The Railway Company now have 20 miles of their road practically completed, and if the Provincial aid is granted on the next 30 miles they will complete the same at once. They have with the aid all the money required to complete the 30 miles without any outside debts, thereby giving them 50 miles of unencumbered railway. It has been arranged to formally place the securities when issued in the hands of a responsible trustee to hold them subject to the arrangement above-named.

While the plans are fully matured we have not deemed it prudent during the present stringent money market to finally complete them.

This arrangement is made by the Railway Company so as to promote business along their line.

I have the honor to be, Sir,
Your obedient servant,
CHAS. J. PUSEY,
President Bancroft Iron Company.

CENTRAL COUNTIES RAILWAY.

Sir Oliver Mowat, Attorney-General of Ontario, Toronto:

SIR,—In forwarding the enclosed map showing the sections traversed by the lines of the Central Counties Railway Company, permit me to state the grounds upon which the Company have acted. A large section of Stormont, Russell, Prescott and Glengarry, destitute of rail accommodation have found all efforts towards relief fruitless, owing to the disposition manifested by the through lines to discourage further construction of competing routes.

Acting upon this fact the Central Counties charter was amended so as to form feeders to main lines and thus secure their valued aid and co-operation. This policy has proved successful thus far and promises still greater relief to the localities interested. While the main line deoline aid in construction, they are ready to supply the costly equipment required, and guarantee immediate and continuous operation of these cross lines, in an efficient manner beyond the ability of weak corporation to secure. The Hawkesbury section of our road has been built relying upon the repeated promises of Government aid. It is not yet completed, contractors have not been fully paid, and many land claims are still unsettled. The road is being operated, though trains have to be cautiously run, pending full ballasting.

The Company have been crippled in constructing other sections of their lines, by reason of having locked up their securities in the effort to secure the building of the Hawkesbury section.

It is claimed that the various sections of this Company's lines will admirably serve the interests of these counties.

1st. The Hawkesbury section crosses the county of Prescott north and south, giving access to Hawkesbury saw mills.

2nd. The Caledonia Springs section and proposed extension will serve the needs of the rest of Prescott county to the junction of section 3.

3rd. The Rockland section will convene all the township of Clarence, that part of Prescott county west of the Nation River and give access to Rockland lumber mills.

4th. The Cornwall section will convene Stormont county and give needed outlet to the St. Lawrence at Cornwall.

The subsidy of $100,000 granted by the Ontario Legislature at its last session was specially allotted to Prescott county and the Township of Clarence, $2,000 per mile on 50 miles.

The Central Counties lines in Prescott county will be as follows :

Prescott county, Hawkesbury to boundary of Glengarry	10 miles
" " Vankleek Hill to Clarence Junction	29½ "
Clarence from Rockland to the Canada Atlantic	17 "
	56½ miles.

The Montreal and Ottawa line having been absorbed by the C.P.R. and stopped on the Province line at Point Fortune is no longer of interest to the counties of Prescott and Russell. That the line is not to be pushed beyond the Ontario frontier is evident from the fact that $50,000 of local bonus in Ontario has been allowed to expire this season without effort to secure extension of time, and the portion of Dominion subsidy which lapsed last year was not considered of sufficient value to ask its renewal. Every movement of our company towards meeting the requirements of these counties has been met by some deceptive action of the Vaudreuil Company simply to deter us from construction, and what we have accomplished has been done in the face of opposition on their part, while they have not graded a single mile in Ontario or purchased a single mile of right of way.

Having by our active construction brought relief to Eastern Prescott county and perseveringly extending the same to Western Prescott and to Russell counties, our company feel that they are justly entitled to the subsidy set aside by your Government last session specially for railway construction in these two counties.

We therefore pray that your favorable consideration may be given to our claims.

I have the honor to be, yours respectfully,

CENTRAL COUNTIES RAILWAY CO.
per W. R. Hibbard,
Manager.

Ottawa, February, 1893.

List of Enclosures.

1. Map of lines.
2. C. P. R. Report (see portion marked in red ink).
3. Letter of F. H. Orysler, Q. C.
4. Two letters, J. M. Shanly, C. E.
5. Letter, J. R. McLaurin and others.
6. Copy of Bill now before Parliament.
7. Letter of W. C. Edwards, Esq., M.P. for Russell.
8. Printed copy of letter, A. Evanturel and W. C. Van Horne.

Toronto, April 28th, 1893.

Sir Oliver Mowat, Premier and Attorney-General, Toronto :

Sir,—Complying with your request at the interview with your Cabinet this afternoon I beg to submit the following statement :—

The Central Counties Railway Company are building their line in sections as fast

as funds can be obtained from local aid, Government subsidy and proceeds of bonds. Bonding powers are limited to $10,000 per mile, on which basis the Canada Atlantic Railway Company have leased section one, from Hawkesbury to Glen Robertson, 21 miles, paying interest on bonds.

Section three, from Rockland to South Indian, they also agree to lease when constructed, but demand aid towards the interest on bonds of $10,000 per mile for first ten years of operation.

This section cannot be constructed without Government aid, for which we now wait. Section two, from Vankleek Hill to Clarence, is still more difficult to construct by reason of costly bridge across the South Nation river at Plantagenet.

Our company do not undertake to supply rolling stock, but they aim at meeting the need of the counties by securing co-operation of strong companies able to stock and operate the sections when constructed.

Our company can see their way to build section two as far as Nation River, section three from Rockland to South Indian, and to complete section one to the boundary of Glengarry County if awarded the subsidy of $100,000 voted at your last session.

The members for Prescott and Russell desire to have section two completed, therefore they ask for a further vote of $12,000.

We are not disposed to promise more than can be done with the means provided. Appended hereto will be found the distances asked for by Hon. Mr. Fraser, showing 46 miles from Hawkesbury to South Indian. Should the portion of section three of our line be cut off from Clarence Junction to Rockland it will kill the section, as without the lumber freight from Edwards' mills the Canada Atlantic Company will not stock and lease that section, nor would any other company.

If it be the aim of the Government to get railway facilities, permit us to say that this is the only scheme that promises success. We are working on business principles, the result of practical tests. Kindly refer to documents already sent for further information, not easily supplied at this short notice, and if more is desired some of our company will be happy to come to Toronto to supply it.

It may be added that no further capital can now be procured for constructing lines of railway in Canada, as the results of investments made are far from satisfactory.

Respectfully submitted,

W. R. HIBBARD,
Manager Central Counties Railway.

DISTANCES.

Hawkesbury to Vankleek Hill	7	miles.
Vankleek Hill to Clarence Junction	29	"
Clarence Junction to South Indian on Canada Atlantic	10	"
	46	miles.

In addition to the above our company have three miles in Prescott county from Vankleek Hill to boundary of Glengarry. None of this section has been fully ballasted yet for want of funds, though it is fit to operate.

W. R. HIBBARD,
Manager C. C. R.

Vankleek Hill, December, 1892.

To the President and Directors of the Central Counties Railway Company, Ottawa:

Gentlemen,—It is gratifying to us to know of your steady progress in the effort to provide railway accommodation for the county of Prescott. The sections of your line now in course of construction together with the projected extension will serve the local

interest of Prescott county and the township of Clarence better than any line offered heretofore. The section from Hawkesbury to Glen Robertson now in operation, though not fully ballasted and completed, is giving great satisfaction to that portion of Prescott county. The section from Vankleek Hill to Caledonia Springs, together with the proposed extension to Clarence, will serve the centre of the county. The section from Rockland to South Indian on the line of the Canada Atlantic Railway and crossing the township of Clarence will give an outlet satisfactory to the inhabitants of that district.

Having now abandoned all hopes of the present construction of the Montreal and Ottawa Railway, it becomes all the more important that you should secure the early completion of your work, and we trust that you may be able to obtain sufficient financial strength to accomplish this speedily.

Anything that we can do to aid in this desirable object will be cheerfully done.

Respectfully yours,

JOHN McLAURIN, Vankleek Hill.
ALEXANDER McINNES, Vankleek Hill.
W. CRAIG RUSSEL, Prescott County.
PETER STEWART GRANT, Prescott County.

No. 60.

Analysis of Reports of Electoral District and Township Agricultural and Horticultural Societies in Ontario for the year 1892. Presented to the Legislature, 21st April, 1893. (*Not printed.*)

REPORT

OF THE MASTER OF TITLES, 1892.

Presented by command,

J. M. GIBSON,
Secretary.

PROVINCIAL SECRETARY'S OFFICE,
26th April, 1893.

To His Honour
The Honorable GEORGE AIREY KIRKPATRICK,
Lieutenant-Governor of Ontario.

TORONTO, 1st April, 1893.

SIR,—With reference to the business done under the Land Titles Act during 1892, I have the honor to report as follows:

During the year reported on the amount of property brought under the Act in this office was less than it has been during any year since the Act went into operation. This no doubt is caused by the fact that the large majority of those, who have availed themselves of its benefits, are owners who had considerable tracts which they desired to divide up into lots for the purpose of sale, and that owing to the fall in prices which has occurred in suburban properties during the last two years, no parcel of this character has been brought under the Act during the year. This fall in prices has also affected all classes of real estate and the rents derivable therefrom to such an extent as to make the majority of owners unwilling and probably unable, to expend anything in respect of real property which can be avoided.

There have only been twenty applications filed during 1892. The average of the five years from 1886 to 1890 was a fraction over 49. The value brought under during 1892 was $99,330 as against an average of $672,000 during the five years named. Of this $99,330, the value of vacant land was $29,970, and the remainder $69,360 was the value of land improved by buildings. The applications filed during the year have been chiefly in respect of urban property and a number of them were made because the titles under which they were held were not good "selling titles." Applications covering property of the value of about $115,000 were, however, made at the close of the year in respect of improved central Toronto properties, with reference to which the owner desired to secure the general advantages derivable from registration under the Act, altogether apart from any special considerations arising from any peculiarity in his title. These applications were not disposed of until the beginning of 1893 and consequently are not included in the figures given above.

The number of registrations during 1892 was 2,611, as against 4,679 in 1889 and 4,129 in 1890. This shows the great decrease which has occurred in land transactions in this office. I understand that the business of the city registry offices has decreased in a somewhat similar ratio.

Legislation seems to be required to relieve chargees from a difficulty which meets them in perfecting their titles in case default is made in the payment of the moneys secured by their charges. If a mortgage is given under the ordinary system, the legal title passes out of the mortgagor, and as his estate is then merely equitable, if proceedings for foreclosure or sale become necessary, there is no necessity for a mortgagee enquiring whether or not the mortgagor has subsequently married. As under the land titles system, the legal title remains in the chargor, his wife, if he subsequently marries, is entitled to "dower under the common law," and as in that case she must be a party to the proceedings, inquiry which is often troublesome, is necessary to ascertain whether or not the mortgagor has remained single. A similar distinction exists between the case of a purchase of land subject to an ordinary mortgage, and its purchase subject to a charge. In the latter case as the wife of the purchaser is entitled to legal dower, it becomes necessary to enquire whether or not he is married, so that if he is, his wife may be made a party to any proceedings which may be taken for foreclosure or sale. This is not necessary under the ordinary system. As the right of the wife to redeem apart from the husband, is one that is practically valueless, the continuance of this difference seems to me entirely unnecessary. It is the occasion of considerable dissatisfaction, both on account of the expense and the difficulty in obtaining satisfactory evidence of celibacy, where the mortgagor or his assignee has remained celibate. The fact that this is not requisite under the old system, increases the dissatisfaction. In England a wife is not

entitled to dower in the lands of her husband where he does not die entitled, unless where these lands were acquired many years ago. The law in most, if not all, of the Australian colonies, and in Manitoba, is, I believe, similar to that of England. Our law being much more favorable to dower, creates a difficulty which is not experienced in the mother country or the sister colonies.

In my inspection of the offices of the Local Masters in the districts, I found it would conduce to accuracy and uniformity of method, if I furnished precedents of entries and instructions in such a form that they could be from time to time perused and referred to as occasion required. I accordingly prepared a book of precedents and furnished the Masters with the instructions of which a copy is submitted herewith. I trust this will enable these officers to keep their registers and other books in proper form, so that accuracy may be secured and searches facilitated.

I visited all the local offices in the districts during the summer, and North Bay again in November, the second visit having been occasioned by a misapprehension as to the manner in which certain entries should be made. Upon this visit I found that my instructions in respect of these entries had been carried out. I found in all the offices a misapprehension, or more accurately a lack of apprehension, as to the position in which subsequently accruing taxes stood in respect of registered land, and therefore dealt with this matter very explicitly in the instructions before mentioned.

The business in these offices during the year and since 1st January, 1888, when the Act came into operation in the districts is shown by the following table :

Table showing business at offices of Local Masters.	Parry Sound.		Sault Ste. Marie.		Bracebridge.		Port Arthur.		North Bay.	
	1892	Since Act passed	1892	Since Act passed	1892	Since Act passed	1892	Since Act passed	1892	Since Act passed
Patents received from Crown Lands Department, including mining lease patents.	110	790	91	689	80	419	129	560	88	262
Patents entered in register	104	778	93	687	80	403	155	554	88	262
Patents in course of entry	12		2		none		3		none	
Certificates delivered to patentee.	111	571	76	613	30	203	129		70	218
Certificates on hand awaiting delivery	195		74		50		23		44	
Applications for first registration received	none	5	none	1	none	1	none	5	none	none
Applications for first registration granted	none	4	none	1	none	1	none	2	none	none
Applications for first registration refused	none	1	none	none	none	none	none	1	none	none
Applications for first registration pending	none	none	none	none	none	none	none	2	none	none
Number of instruments registered.	91	324	217	560	38	171	156		70	177
Fees payable upon registrations	$ c. 238.71	$ c. 793.09	$ c. 471.80	$ c. 1,285.31	$ c. 103.70	$ c. 440.30	$ c. 312.65	$ c. 879.25	$ c. 132.20	$ c. 310.60
Fees payable upon special matters	50	31.80	4.00	109.15	none	28.10	13.25	51.70	none	4.50

The Act came into operation in the county of Elgin, including the city of St. Thomas, on 1st October last, but no applications under it were made during 1892.

The amount at the credit of the Assurance Fund on 31st December, 1892, was $16,757.81; of this $2,811.54 was in respect of lands registered in the districts, and $13,946.17 for lands registered in this office.

I have the honor to be, Sir,

Your obedient servant,

J. G. SCOTT,
Master of Titles.

Table showing the value of each parcel first registered under the Land Titles Act at Toronto during 1892, and the costs of the Land Titles Office on first registration.

No.	First registered owner.	Value.	Costs.
		$ c.	$ c.
312	Edward N. Williams	1,070 00	11 30
317	Allan McL. Howard	7,000 00	24 70
320	Laura M. Morris and Elsie E. Manes	12,000 00	30 80
318	David T. Symons	3,500 00	13 50
305	Joseph B. Tyrrell	8,400 00	21 30
224	Dennis Kelihar	500 00	14 60
240	William J. Coleman	1,000 00	14 60
241	Thomas Coleman	1,000 00	14 60
297	John W. Selby	6,060 00	32 60
324	Samuel Richardson	12,000 00	19 70
326	Helen G. Clark	25,000 00	14 80
322	Mary S. Hanscombe	6,000 00	17 60
319	Thomas A. Hastings and Samuel Young	3,500 00	59 90
328	Octavius and Henry Newcombe	4,300 00	13 40
329	Rosanna Law	2,000 00	17 30
321	No. 1 Eastern branch of district union, Toronto Women's Christian Temperance Union	6,000 00	38 30
		9,300 00	

OBSERVATIONS BY THE MASTER OF TITLES FOR THE ASSISTANCE AND GUIDANCE OF LOCAL MASTERS.

Books in Use.

1. The following are the books in use under the Land Titles Act :
   Receiving book.
   Ordinary procedure book.
   Procedure book for Special Applications.
   Register for freehold lands.
   Register for leaseholds.
   Register for leases and powers of attorney.
   Execution book and index.
   Book for receipts for certificates.
   Alphabetical index.
   Address book.

Plan Index.

2. In addition to the above, as soon as a number of plans have been registered, a plan index will be furnished to facilitate searching.

Index to First Registration.

3. Each local master should also keep arranged as conveniently as may be under the various townships, or other local divisions, a list of the lands from time to time brought under the Act, with a reference to the parcel where they are first registered, so that upon enquiry it may be readily ascertained whether any particular parcel has been brought under the Act, and if so, its register easily found. A blank book for this purpose will be furnished.

Official Seal.

4. Each local master has a seal of office with which land certificates, certificates of ownership of charges, summonses requiring the attendance of witnesses, notices to adverse claimants, notices issued to cautioners, and other documents of a formal character issued by a master should be sealed. Entries in the registers do not require to be sealed.

First Registration Stamp.

5. A stamp is furnished for marking, under sub-section 7 of section 23, deeds produced on an application for first registration where the application is granted. Where a patentee, or his assignee, is entered as owner under section 141, the patent should be stamped with this stamp and a statement of the parcel and register where the land has been registered added below the impression, before signature.

Ordinary Registration Stamp.

6. A stamp for marking instruments as registered and the date of registration is also furnished. When this stamp is impressed upon a duplicate to be given out "Duplicate" should be written before "Received." This word should not be written on the document retained in the office.

Receiving Book.

7. All instruments received for registration should be entered in the receiving book as soon as it has been determined that they are to be retained. If afterwards something is noticed which prevents the registration of an instrument as, *ex. gr.*, that a wife does not join as a transferor in a transfer of land held as a free grant, and the instrument is returned, the reason of the return should be noted shortly in the receiving book and a folded full sheet of paper bearing the number in the receiving book of the instrument returned substituted for it in the file. This folded sheet should state shortly what the instrument was and the reason of its return.

8. Whenever an entry is completed by signature write "C" opposite the number of the instrument in the receiving book in the first column on the right hand page. Persons searching in the office should have their attention called to the necessity there is of searching the receiving book for instruments in course of entry. The writing of "C" as above, is intended to facilitate such searches. As soon as all instruments on a page have been marked "C," the page should be ruled out diagonally with red ink, provided all preceding pages have been similarly ruled out. There will then be no occasion for searchers to go further back than the last page so ruled out. For convenience, all items entered in the procedure book which require nothing done upon them, such as searches, should be also marked "C."

9. Where the completion of an instrument is long delayed, as by the pendency of proceedings taken upon a caution, so that an inconvenient number of pages are kept unruled, the instrument should be re-entered in the receiving book, but without a new number, and it should be stated in the re-entry in the column for remarks that the instrument is brought forward from a prior date, giving it. A heading should also be placed above these re-entered instruments thus "Re-entered to allow of pages being closed." This heading should be commenced in the column headed "Month" and one line should be given to it. On the next line in the column headed "Year" the number of the instrument should be given and upon the same line the like particulars should be stated as are given in the original entry At the original entry in the column where "C" would have been placed if registration had been completed $^{C.\ F.\ to}_{1823}$ (meaning carried forward to No. 1823) should be written, the number in sequence of the instrument immediately preceding the re-entry being inserted, unless there is sufficient space to write the date to which the instruments are carried forward thus $^{C.\ F.\ to}_{4th\ Feb.,\ 1892.}$ in which case this is preferable. Some of the books do not have sufficient space for this. It is probable that several instruments will be dealt with in this way at the same time, and it may be necessary to bring forward an instrument several times, as after a caution a suit to determine the right to registration may be pending for years. Where an instrument is thus delayed, a *pencil memorandum* should be made in the *parcel-register of the land affected* thus "Vide transfer 846 delayed on account of caution 540." When the business of the Land Titles Act has obtained large dimensions, a suspense book will, doubtless, be provided for the entry of instruments, the completion of which is delayed in the manner suggested.

Ordinary Procedure Book.

10. The procedure book is intended for a record of all proceedings upon applications for first registration or proceedings leading to first registration. Patents, whether freehold or leasehold, sent under section 141 of the Land Titles' Act should immediately, upon their receipt, be numbered in regular sequence in the order in which they are received and entered in this book, and subsequently short memoranda entered of all proceedings taken thereon. As soon as the patent is entered, the register of cautions before registration kept in the special procedure book (*vide* paragraph 15) should be examined, and a note made in the procedure book of any caution which has been received affecting the land in the patent. The object of the entry of the caution in the special procedure book having been thus attained it should be struck out there, and a reference

made to the page of the ordinary procedure book to which it is transferred, and all proceedings thereafter had upon it will appear in this book. Except in rare instances a page will be found sufficient for all entries in the procedure book on patents or applications for first registration, so that no blank pages need be left. When it becomes necessary, the proceedings can be continued to a subsequent page.

Patents.

11 Patents should not be entered in the receiving book, but should be numbered in a separate series of numbers as Patent 1, Patent 2, etc. Leasehold patents should constitute another series as Leasehold Patent 1, Leasehold Patent 2, etc., so that they can be more conveniently filed away. These instruments should not be mixed with the instruments received for ordinary registration and which are entered in the receiving book.

Applications for First Registration.

12. Applications for first registration should also bear a separate series of numbers and should, with the various proceedings thereon, be entered in the procedure book. The page from my procedure book which has been sent to each local master, indicates the kind of entries which should be made in respect of these applications.

13. Whenever an applicant for first registration is entered as owner, a certificate under section 16 should be registered in the registry office by the master. This duty should not be entrusted to the solicitor for the applicant, as its omission might entail very serious consequences. This is not necessary where the entry of a patentee or his assignee as owner is made under section 141.

Special Procedure Book.

14. The special procedure book is intended for the entry of applications of a special nature, other than for first registration, as applications for discharge of cautions, special applications to notify determination of leases, for discharge of mechanics' liens, applications for withdrawal of lands from under the Act, etc.

Cautions Before Registration.

15. Six pages should be reserved in the special procedure book for the entry of cautions received under section 68 prior to first registration. Each such caution should, as received, be entered in the receiving book and numbered as any ordinary instrument left for registration. The number and particulars with date of receipt should then be entered at the place reserved for cautions in the special procedure book. After these particulars are entered, three lines should be left blank and a red line ruled along the fourth line across the page. The place of entry should be endorsed upon the caution. The next caution received against first registration should be entered immediately below this line and similarly dealt with.

"Parcel," Meaning of.

16. "A parcel of land" as used in the rules under the Land Titles Act and in this memorandum means any piece or pieces of land, the title of which is kept separately in a succession of pages retained therefor in one of the registers in a land titles office. For brevity and clearness I have called this "register of the parcel" the "parcel-register."

Register.

17. The method of keeping the register is pointed out by Rule 56 of the Rules of 1890. It is, however, deemed advisable to furnish the additional observations here given with reference thereto in order that uniformity of practice may be secured in the various offices of Land Titles The extracts from my register which have been furnished show the manner in which the entries in the register should be made.

Register, How Kept.

18. Cautions and instruments of that nature, such as inhibitions and restrictions, should be entered in the register in red ink. All other instruments should be entered in black ink. All entries should be written neatly and legibly.

19. The master's signature affixed to the main entry of ownership in a parcel should be written on the line immediately below the entry and the words "Local Master of Titles" written on the line below the signature. A line should be left blank between this and the succeeding entry.

20. All entries should be signed with the name of the master, and, except in the case of the main entry, the letters L. M. of T. appended immediately after the signature and on the same line, unless where there are but two lines at the foot of a page below an entry, in which case it is advisable to have the "L. M. of T." written on the lower line, so that a blank line shall not be left at the foot of a page. A blank line should always be left between the signature of an entry and the next entry. This practice has been adopted to facilitate searching and to secure accuracy by having all entries distinctly separated.

Opening Parcel register.

21. Upon opening a parcel register at least three pages should be left blank for the purpose of entering memoranda of subsequent dealings unless it is known that three pages will not be required. The entry of each new parcel should be commenced at the top of the left hand page. Where there is reason to think that three blank pages will not be sufficient, as, for instance, where a plan is to be filed on the parcel, dividing it into a considerable number of lots, as many blank pages should be left as will probably be required.

22. In case a parcel-register is closed before the blank sheets left for the dealings therewith have all been written upon, these blank sheets may be used for the continuation of the entries of dealings with prior parcels for which sufficient blank space has not been left. In all cases a parcel should be continued on a subsequent page and should never be taken to a preceding page, and a sheet upon which any entry has been made should never be used for this purpose as it is imperative that all entries upon each sheet should be in respect of the same parcel. By a "sheet" as here used the two pages which are exposed when the register lies open are meant.

23. Wherever a parcel is to be continued on another sheet the master will write at the top of the left hand page "continuation from page 195 of parcel 40, district of Parry Sound," or as the case may be. Wherever a parcel is continued at a page other than the page immediately succeeding, the master must not fail to note in red ink at the left hand side of the foot of the page from which the continuation is made "continued at page 320," giving the number of the page. The continuation should be opened up as soon as the foot of the page is reached, without waiting for the receipt of the instrument which is to be entered on it. Parcels must all be entered in the register in regular order of sequence.

Free Grants, How Entered.

24. Where land is being first registered under a Free Grant Patent the entry should begin "Under Free Grant Patent," so as to call attention at once to this fact, as the power of disposition is very different in such a case from that in which the entry is under an ordinary patent. The first entry of ownership under a Free Grant Patent should state the date of location, as this governs both the right of the locatee to alienate and the exception of the land from liability for his debts.

Entry of Transfers.

25. Where a transfer of *portion* of a parcel of land is received, a short entry is made in the parcel-register stating the number and date of transfer, the date of registration, the consideration and the fact that the owner transferred the portion to the transferee, and that the portion is "Now entered as parcel 40" according to the fact. This entry is merely for the purpose of showing that the portion of land so dealt with has been severed from the parcel and entered as a new parcel, and should contain no statement as to ownership or incumbrances. These are fully given in the new parcel-register opened for the portion so severed. The description in the short entry must define the portion severed as *accurately* as the entry in the new parcel-register, though sometimes a shorter description will be found sufficient; for example, "the north 24 feet of lot 6" might be used in the short entry where this exactly defines the land, although the transfer describes this 24 feet by metes and bounds, and though the transfer-description is carried into the new parcel-register.

26. Wherever a *portion* of a parcel is transferred the part transferred is always made a new parcel, but where the whole of the land in a parcel is transferred it is continued as the same parcel unless the state of the register is such as to render the opening of a new parcel-register expedient. A new parcel-register should invariably be opened upon a transfer of a whole parcel which is received after the parcel-register has been continued from one series of pages to another on account of the number of pages first left having proved insufficient, and also in all cases where any part of the last of the blank pages left for the parcel-register has been written on.

27. Where a portion of a parcel has been made into a new parcel and the remainder of the parcel is subsequently transferred, this portion should also be made into a new parcel. The short entry in this case may describe the land as the remainder of the parcel, where by this method a long description is avoided.

28. Where the person first entered as owner of a parcel transfers the whole parcel his name and addition should be ruled out in red ink. Upon a transfer by a subsequent owner the entire entry of his ownership should be ruled out in red ink.

29. Upon entry of the cessation of a charge, the charge and any transfer of the charge should be ruled out in red ink.

30. Wherever an entire parcel is transferred and a new parcel is *not* to be opened up, it is convenient to give the names of the new owners in the marginal entry thus: "Transfers parcel to A. Smith and T. Jones" If a new parcel is to be opened up the marginal note is simply "Transfers parcel." This variation helps to call attention to the difference in dealing with the instruments. This practice should be followed.

Closing of Parcel.

31. A parcel-register should be closed and a red line ruled across each page diagonally whenever all the lands have been transferred *and all the charges thereon discharged.*

Cancellation of Entries.

32. Where an entry is to be cancelled on account of the receipt of a subsequent instrument the cancellation should be in a different colored ink; for instance, where a charge (which is entered in black ink) is to be completely discharged, this is done by making an entry of the discharge in red ink in the margin opposite the entry of the charge, and also ruling out (with red ink) the entry of the charge; while if a caution (which is entered in red) is discharged the entry of the discharge of the caution should be made in black and the caution ruled out in black. So where a caution is superseded by the execution and registration of the instrument, the execution of which the caution was entered to secure, the marginal note and ruling out should be with black ink.

Errors, How Corrected.

33. Where in the course of making an entry a mistake is made, it should be forthwith corrected in the same ink as is being used in making the entry. Corrections made subsequently should be in ink of a different colour, and the date when the correction is made should be appended.

Comparison with Documents.

34. Where the clerical work is done by an assistant the master must, before signing the entry, carefully compare it with the instrument being registered and with all other entries affected. The first point to be ascertained in case of a transfer or charge is whether the transferor or chargor is the registered owner of all the land he assumes to transfer or charge.

Marginal Notes.

35. All entries in the register should have placed opposite them marginal notes giving shortly the effect of the entry. These notes should be in red ink, neatly written. The writing should be in a smaller hand than that of the entry, and the lines should be only half the distance apart It is needless to say that it is most important that these notes should be accurate. The following will indicate the kind of note intended: "Transfers parcel"; "Transfers N. ½ lot 4, with right of way over part of lot 3"; "Transfers charge 470"; "Charges parcel"; "Caution parcel"; "Mechanics' lien, lot 6"; "Court certificate, *vide* M. Lien 420." In case of the transfer of an undivided share the note should be "Transfers parcel," as this is the effect of the entry.

Registration Delayed by Caution.

36. Where an instrument for registration which cannot be registered on account of a caution having been lodged but which is otherwise correct, the instrument should be received and entered in the receiving book if the applicant is willing to take the steps necessary for the termination of the caution. If he subsequently unduly delays taking these steps, after due warning the instrument should be returned.

Time of Registration.

37. Under section 48 the day of the receipt of an instrument for registration is the date of registration, and the entry should be so made. Where a new parcel-register is opened up, the date at the foot of the entry of ownership should be the same as the date of registration, though as a fact it may be impossible to sign the entry till a day or two subsequently. Where the entry of an instrument is delayed on account of proceedings to discharge a caution, the registration should when completed be entered in this form: "Under Transfer 45, dated 4th February, 1892, received 5th February, 1892, and entered 7th March, 1892, the entry having been delayed for the removal of Caution 32," so that the facts may appear on the face of the register.

Entry of Charge.

38. In entering a charge the power of sale and anything whereby an additional charge is put upon the land should always be set out. *Vide* section 28 of the Act.

Land Entered Subject to Charge.

39. Wherever land is entered in a new parcel subject to a charge, a reference should be made in red ink to the place where the charge is first entered, as this is the place where all dealings with this charge originate and where as a general rule all such dealings are entered.

Transfer of Undivided Share.

40. Upon a transfer of an undivided share the entry should show the title of the whole. *Vide* section 85 (2) of the Act. Where parties hold in unequal shares as $\frac{3}{4}$, $\frac{1}{8}$, $\frac{1}{10}$ and $\frac{1}{40}$ the shares should be reduced to the lowest common denominator, as $\frac{30}{40}$, $\frac{5}{40}$, $\frac{4}{40}$ and $\frac{1}{40}$, and entered accordingly. This tends to prevent error in cases where minute and varied sub-divisions are made, as it can be thus readily seen that the title to the whole is made up.

41. Where a parcel is subject to the qualifications in section 11 and an undivided share is transferred, it must be borne in mind that though the transferred share is only subject to the qualifications in section 24 the untransferred share remains subject to section 11.

42. Where an undivided share is transferred, as a restatement of the entire ownership has to be made, the marginal note should be "Transfers parcel" if a new parcel-register is to be opened up; or "Transfers parcel to A.B. and C.D.," if the land remains in the same parcel-register.

Charge Register.

43. It will be seen by reference to sub section 8 of Rule 56 that the parcel-register where a charge is first entered is also the register of the charge, and so remains until a change is made by the Master.

Changing Charge-Register.

44. The authority given to a Master by Rule 56 (8) to change a register of a charge to another place should not be acted upon unless special reasons exist. In case such a change is made a marginal entry opposite the first entry of the charge should be made thus: "All dealings with this charge to be entered in Parcel 450, Vol. 2," and opposite the charge in its new register a marginal entry thus: "All subsequent dealings with this charge to be entered in this parcel-register."

Release of Charge.

45. Where a charge is *partly* discharged, the discharge should be noted in the *existing* register of the charge and in the existing register of every parcel affected by the discharge. Where a charge is *wholly* discharged the discharge should be noted in the existing register of the charge and in the existing register of every parcel affected by the discharge, and also where the charge is first entered.

Mortgage of a Charge.

46. The Act makes no provision for a mortgage of a charge, but there is no objection to a transfer of a charge containing a covenant by the transferee to re-transfer the charge upon the payment of money, or upon the performance of other conditions. Where a charge-transfer contains such a covenant it should be so stated in the entry of the transfer in the register.

Placing Marks Over Lots.

47. Where a number of lots are entered in one parcel, or the land in a parcel is sub-divided by a plan, it often facilitates examination to place a mark over each lot as dealt with, as "t" for transferred, "c" for caution, "ch" for charge, and "m" for mechanics' lien. Where there are several instruments affecting one lot these marks must of course be duplicated or triplicated as the case may require, thus "t s. $\frac{1}{2}$ t n. $\frac{1}{2}$," "c, c, c," "ch, ch." My practice is not to mark charges over lots in this way, unless where

the parcel contains a considerable number of lots and only one or two of these are charged, as there is a danger of the entry of ownership being burdened with too much. Where such memoranda are made each of the corresponding marginal entries should be marked in some way to indicate that they have been noted. I place a tick over each marginal entry noted. If this is not done some may be noted and others omitted, a most dangerous state of affairs. The Local Masters will adopt the same mark for uniformity. Such marks, though used to aid in searching, should never be relied on. A copy of the plan or a separate sheet may often be used advantageously instead of placing marks in the register. These plans or sheets should be kept in the pocket of the register book.

Joint Owners.

48. Where two or more persons are owners, the entry of ownership should state whether they are joint tenants or tenants in common. Unless the transfer shows them to be joint tenants they should be entered as tenants in common. The most convenient form of making the entry is as follows: "Under Transfer 45 James Jones and John Thompson, of the Township of Yarmouth, in the County of Elgin, yeoman (as tenants in common) are the owners," etc., as this will accord with the printed form of Land Certificate.

Taxes.

49. The position of registered land in respect of taxes, as I understand it, is that all unpaid taxes lawfully imposed are a lien upon the lands without any entry being made of the fact that the land is subject to taxes. Where, however, a parcel or part of a parcel is transferred, the land should be then expressed to be subject to any unpaid taxes which may have been imposed from the earliest period that such taxes could have become a charge upon the land, and the omission of this would, I take it, have the effect of releasing the land. *Vide* section 37 of the Act.

50. Where the land is in a municipality and was first registered, for example, in 1889, then the ownership should be expressed to be "subject to unpaid municipal taxes, charges, rates or assessments imposed for 1889 or afterwards."

51. Where the land is in territory not organized in Algoma, Thunder Bay or Rainy River it should, in case it were patented in 1889, be entered subject to any unpaid taxes imposed under the Act respecting the Taxation of Patented Lands in Algoma and Thunder Bay imposed for 1890 or afterwards, as these taxes are only chargeable from the first day of January after the land is patented.

52. As I understand that in many cases it is impossible for a Local Master to tell whether or not a lot is within an organized municipality, in such cases the entry to be made must take the form that the land is "subject to any unpaid statutory or municipal taxes, charges, rates or assessments imposed thereon for 18 or afterwards."

53. To obviate the danger that exists of taxes being overlooked or their position being misapprehended, the practice in the Toronto office when making the first registration entry of any land is to express the fact that the land is liable to any unpaid taxes for the current year (naming it) or afterwards. This entry will, in a district, be made in such of the forms above indicated as applies to the case. As it is possible that land which is in unorganized territory at the time the first registration is made may shortly after be included in a municipality the proper course is in all cases of land in unorganized territory to make the entry in the form indicated in paragraph 52.

54. Where the land is known to be in organized territory the form indicated in paragraph 50 should be followed.

55. It is of course essential that the land certificate should mention the taxes in terms similar to the entry of ownership.

56. I am not absolutely certain what would be the position of a chargee whose charge should be entered without any mention being made of the taxes, but to avoid the possi-

bility of question, in cases where the entry of ownership of the land has not been expressed to be subject to such taxes as by law take priority of the charge, I deem it advisable that before the charge is entered an independent entry should be made in the register stating that the land is subject to unpaid taxes as above indicated. This will be as follows: "Memorandum by Local Master of Titles. The above land is subject to any unpaid municipal taxes, charges, rates or assessments imposed for 1888 or afterwards," or otherwise according to the fact. If, through oversight, this entry is forgotten until the charge entry is completed except the signature, the omission can be supplied by adding at the end of the charge entry the following: "The said charge, besides being subject to the above exceptions, qualifications and incumbrances, is subject to any unpaid municipal taxes," etc., etc, according to the fact. Where an independent entry is not made this statement has to be repeated in every charge-entry until the independent entry is made.

57. Where the tax entry in a land certificate issued is wider than the entry in the register, the fact should be stated in the note made in the register of the issue of the certificate. For example, if the entry of ownership is silent as to taxes and at the time of the issue of a certificate a year's taxes have accrued, the certificate should state the taxes for that year and afterwards as an incumbrance, and the note in the register will be in the following form: "Land Certificate issued 14th November, 1892, subject to taxes for 1891 or afterwards." It is needless to say that such a case will only occur where the land certificate bears date in a subsequent year to the date of the entry of ownership.

Leasehold Lands and Leases.

58. The registration of leasehold land in a register kept under section 17 must not be confounded with the registration of a lease under section 58. The former may be in respect of land, the title of which is not registered under the Land Titles Act, and is a register of ownership entirely distinct from the register of the title of the reversion. The latter is in respect of a lease of land, which land has been registered under the Land Titles Act, and such land only, and is made by making an entry in the register-parcel of the reversion and copying the lease in full in the book kept for copies of leases, and is not entered in the leasehold register, unless the lease is a sub-lease of leasehold land previously entered in the leasehold register.

Mining Leases.

59. It is probable that local masters of districts will have few parcel-registers of leasehold lands to open except for mining leases granted by patent from the Crown and sent to them for entry under section 141 of the Land Titles Act. These mining leases are issued under the Act 54 Vict. Cap. 8. Sections 17-22 of the Land Titles Act, and Rule 42 apply to these leases. The notice sent to the sheriff under section 143 should show that the entry of ownership is in respect of leasehold land. The local masters have been furnished with a form showing how these mining leases should be entered in the register. No certificate of ownership is issued, but in lieu of this a certificate is endorsed on an office copy of the lease under section 22, containing the particulars mentioned in this section and in Rule 42.

60. The Crown Lands Department intends, when forwarding the leases to local masters, to also send identical blank forms to be used for making office copies. If these are omitted, or additional copies are required, that department should be communicated with directly.

Notices to Sheriff and Municipal Treasurer.

61. The date on which the notices required by Section 143 (2) to be sent to the sheriff and municipal treasurer should be noted in red ink at the foot of the entry of ownership. The entry should be completed before these notices are sent. It is con-

venient to likewise note the sending of these notices and the date in the procedure book and whenever land is in territory unorganized for municipal purposes, this fact should be stated in the procedure book so that the reason of the absence of a minute of a treasurer's notice having been sent may appear.

Bar of Dower.

62. The entry of a transfer or charge containing a bar of dower should give the wife's name. I formerly omitted this as being unnecessary, but as the wife is a necessary party if proceedings are taken to foreclose a charge, it has been found convenient to state her name in the entry of a charge, and for the sake of uniformity it it is better to likewise state the wife's name in the entry of a transfer containing a bar of dower.

Assurance Fees.

63. In all cases of entries under patents where the assurance fees are not paid at the time the entry of ownership is completed, the note required by section 142 (2) of the Land Titles Act should be made in the register. The most convenient method is to make a note in the margin in red ink as follows: "This land is subject to assurance fees (not less than $1) of $\frac{1}{4}$ per cent. on its value, which must be paid before any dealings can be had therewith."

64. The fact that the entry of ownership is made subject to the assurance fees should also be stated in the procedure book.

65. When the amount is paid this note in the register should be cancelled by writing across it in the following manner: "Cancelled, the amount, $4 50, having been paid this 14th February, 1892. *Vide* l'atent 146" (Referring to the document where the affidavit of value and receipt are filed). The fact and particulars of payment should be likewise entered in the procedure book, which should also show how payment was made, as whether sent by the party directly to the accountant of the Supreme Court, or through the local master.

66. It must be borne in mind that the accountant receives, as of course, all moneys paid in, and has nothing to do with the question of value. The master must in all cases see that the payment made is sufficient.

67. The value of the land, when ascertained, and the amount of the assurance fee, when paid, should also be noted in red ink at the head of the patent entry in the procedure book thus, "Value $500;" "Paid $1.25." For the sake of uniformity let this be placed at the right hand side of the heading as shown in the specimen page from my procedure book sent to each master.

Corporation.

68. In case of a transfer to a corporation the master should be furnished with evidence that the corporation (whether it is a foreign or a home corporation) has authority to take a conveyance of lands.

69. Where the corporation is a foreign corporation, it must be seen that it is authorized in such terms to hold lands that the right to hold lands in Ontario is not excluded If such right is excluded, as, for instance, where the right is by the statute or other instrument of incorporation confined to the holding lands in the State of Michigan, the corporation cannot be registered as owner.

70. Where the holding of the land transferred is not *ultra vires* of the corporation, but the applicants for registration do not show a license of mortmain from the Crown, or by an Act of the Legislature, the entry of ownership may be made, but should be expressed to be subject to any proceedings that may be taken under the Mortmain Acts.

71. Where a corporation conveys or charges land it is the master's duty to see that the essential pre-requisites to the validity of the charge or conveyance have been performed, and proof of this must be furnished.

Trustees under Religious Institutions Act.

72. Trustees appointed under section 1 of the Revised Statute respecting the property of religious institutions are, it will be remembered, a corporation, and it is more convenient to enter them as owners under their corporate name than to give the names of the trustees, as these are subject to constant change.

Powers of Attorney.

73. Where an instrument is executed under a power of attorney the power must be registered or annexed to the instrument, and retained by the master, and it is his duty to see that the power gives authority to execute the instrument proposed to be registered.

Transmission.

74. The papers filed on a transmission should always show who are interested in the land, and the fact that each person interested is *sui juris* should also be shown, or otherwise, according to the fact, so that it may appear whether or not the approval of the official guardian to a sale is required under 54 Vict. cap. 18, sec. 2. Where such approval is necessary the fact should be noted in the margin opposite the transmission entry.

Certificate of Ownership.

75. A certificate of ownership should never be issued until the entry upon which it is based is completed, and it should, of course, show upon its face all incumbrances upon the land prior to the time of its issue, including any taxes for which the land is liable and the note required by section 142 as to the assurance fee.

Noting Issue of Certificates.

76. Where a land certificate is taken at the time of registration of a transfer, a note "Certificate issued," should be made at the foot of the entry in the register in red ink, at the left hand side, but where no certificate is taken the note should be "No certificate." A certificate taken at the time of registration will bear the same date as the entry. If a certificate is not ordered till subsequently it should bear date accordingly, and be entered in the register in a separate line in red ink, and in such case a line should be left blank between the last entry and the entry of the certificate.

77. Where a certificate of charge is issued a note of the fact should be made in red ink at the foot of the entry of the charge at the left hand side, and if it bears date subsequent to the registration of the charge the date should be added to the note.

Certificate Receipt Book.

78. The certificate receipt book is intended to be used only for taking receipts for certificates of title, usually styled "land certificates," and receipts for certificates of ownership of charges where these certificates have after their first issue been returned to the office for the endorsement upon them of subsequent dealings with the land or charge. The receipts upon the first issue of the certificates are taken in the receiving book as hereinafter mentioned.

Alphabetical Index.

79. The name of *every* transferee, chargee, lien-holder, cautioner, or other owner, within the meaning of that term as used in the alphabetical index, should be indexed in that book and all the parcels affected should be noted opposite the name and bracketed

together wherever this seems necessary for clearness. Where the names of several joint owners come together in the index they should be bracketed together and the parcels affected by the transfer placed opposite about midway. This will avoid repetition.

80. Though it may be found most convenient to index from the registered instruments it must be borne in mind that the index is intended as an index of the registers and the indexing should always be checked with the registers. The names of the owners first registered under patents will of course appear in the alphabetical index. Transferers names should not be indexed. Vide Rule 68.

Address Book.

81. The address book is kept under section 91. I have had printed slips of a suitable size to paste in this book. One of these should be sent to each patentee when he is being notified of his first registration, and pasted in this book when received back.

Duplicates.

82. It is not desirable that any certificate of the registration of a transfer should be endorsed upon a duplicate of the transfer, as the proper course is for the transferee to take out a land certificate. A chargee can have such a certificate endorsed on a duplicate original of his charge, as he requires this duplicate if he should take legal proceedings against the mortgagor, and a certificate of charge would not serve for this. For the same reason a transferee of a charge may have a duplicate of his transfer certified.

Land Certificates.

83. Although owners who are not transferring entire parcels cannot be compelled to bring in their certificates of ownership in order to have dealings endorsed upon them, yet it is extremely desirable that they should do this, and masters should press upon owners its advisability.

84. No charge is made for making such entries on a land certificate if the certificate is produced when a dealing is being registered, unless where the certificate is being transferred to a purchaser of the entire parcel in lieu of a new certificate of ownership, in which case a charge of fifty cents is made.

85. Where an owner is transferring an entire parcel, or all of the parcel which he then owns the production of the certificate should be required in order that it may be destroyed or (in the case of a whole parcel, if a new certificate is not being taken out) transferred to the new owner, as otherwise there would be two certificates outstanding for the same parcel.

Receipts for Certificates of Ownership.

86. When a land certificate or a certificate of charge is first issued a receipt should be obtained for it in the receiving book in the column headed "Receipt for Instrument." This is not necessary in case of a land certificate where land is being first brought under the Act.

Transfers, Endorsements on.

87. Where land is transferred and is entered as a new parcel, both the old and new parcels should be noted in the memorandum of registration endorsed on the transfer, as the instrument is entered in both places.

Executions.

88. Full particulars of all executions of which copies are lodged must be entered in the execution book and indexed under the surname of each person chargeable. The executions should bear a separate series of numbers and should be entered in the execution book forthwith upon their receipt.

89. No transfer or charge should be registered until it has been ascertained whether there are any executions against the registered owner affecting the land. If there are, the entry must be expressed as subject to such executions.

Discharge of Executions.

90. Discharge of executions should be entered in the receiving book numbered in that series and filed with the instruments of that series. The discharge is given effect to by ruling out in red ink the entry of the execution in the execution book, and entering in red ink the fact of discharge in the column in that book headed "Remarks," in the following manner "Discharged *Vide* No. 2962, being certificate of the sheriff." Where the discharge only applies to one of several defendants the entry should be varied accordingly. Where a transfer of a parcel, which has been entered subject to an execution, is made subsequently to the execution being discharged, the entry of the execution should be cancelled by an entry in the margin similar to the above, and by ruling out in red. The transfer will then be entered free from the execution.

Instruments taken from File.

91. There should always be in the file a paper bearing a number corresponding with the number of each instrument entered in the receiving book. If the instrument itself is not in the office, then, if returned unregistered as mentioned in paragraph 7 *supra*, a folded sheet explaining the reason of its return should be substituted, or if taken out for production under a subpœna or other purpose, a similar paper containing the requisite explanation should be substituted until its return.

Plans.

92. Plans should be examined before being filed in order that it may be seen that they are in accordance with Rule 58, and otherwise correct. No plan can be received unless signed by all the owners of any land affected thereby. When it is ascertained that the plan is correct it should be marked as filed, with the date of filing, and the number of the plan, both in red ink. The plan should then be entered in red ink upon all parcels affected thereby, and the fact of such entry having been made written, also in red ink, on the plan immediately under the memorandum of the filing. This should then be signed by the Master. It is found convenient to have the number of the plan also at each corner.

93. In order to conveniently distinguish plans registered under the Land Titles Act from plans registered under the Registry Act, the letter "M" ought always to be prefixed to the number of the plan, as M 12, M 25, etc. I name this letter, being that which has been adopted in this office, and all the land titles offices should have the same letter. Plans should be entered in the receiving book, but should not bear the running number of instruments registered. In order that they may be readily noticed, the number should be entered in that book in red ink under the heading "Number of Instrument," thus, "Plan M 5."

94. Where a plan deals with a part only of a parcel the portion so dealt with should be severed from the rest of the parcel and formed into a new parcel under Rule 56 (7), and the plan entered on the new parcel-register, and not in the old parcel-register. The date of severance and the date of the entry of ownership of the new parcel will be the day of the filing of the plan.

INSTRUCTION BOOK.

95. All instructions, including the present observations, whether sent in a letter or by memorandum should for convenient reference be pasted in a scrap-book kept for this purpose. I have requested the Queen's Printer to send a book for this to each local master. Where a letter contains instructions that cannot be conveniently dealt with in this way, these should be copied and headed in this manner "*Re* entry of discharge of executions, extract from letter of Master of Titles, dated 4th February, 1892, filed with transfer 185," according to the fact, so that if occasion arises the letter may be easily referred to.

PRECEDENTS.

96. A book of precedents should be kept for the sake of securing uniformity in entries made by the local masters, and for the guidance of any person employed in the office. Suitable blank books will be sent, into which can be copied from my precedent book such precedents as it contains, where this has not already been done.

In case there are any other matters respecting which explanation is desired, I will be happy to advise on any point on which difficulty arises.

TORONTO, 16th November, 1892.

[Sgd.] J. G. SCOTT,
Master of Titles.

RETURN

To an order of the Legislative Assembly dated the 12th April, 1893; shewing the timber berths offered for sale at the sale of 13th October, 1892, and of the berths then sold, including those sold by private contract after the auction sale, with the area of each berth, the price per square mile paid, the names of the several purchasers, the sums received on account of purchase money, the dates of the payment thereof, and the sums, if any, remaining unpaid on the 1st January, 1893, and shewing whether any, and if so, which of the said berths had been previously sold, and when and to whom and for what price, and also for a return of a copy of the advertisement and conditions of sale and of the Order-in-Council authorizing the sale.

By order,

J. M. GIBSON,
Secretary.

Toronto, 24th April, 1893.

AN ORDER IN COUNCIL APPROVED.

23rd June, A.D. 1892.

Upon the recommendation of the Honourable the Commissioner of Crown Lands, the committee of council advise, that the annexed report of the Assistant Commissioner, Mr. Aubrey White, with reference to the sale of certain pine timber in the townships, and part townships in said report mentioned with the conditions of sale thereto attached, be adopted; and that an advertisement of such sale be issued without delay, the sale to take place about the 13th day of October next.

Certified,

J. LONSDALE CAPREOL,
Ass't. Clerk, Executive Council

The Honourable,
The Commissioner of Crown Lands.

Toronto, June 21st, 1892.

RE SALE OF TIMBER BERTHS IN NIPISSING, ETC.

Referring to the hereto annexed report of the assistant commissioner, the undersigned has carefully perused and weighed the same with the reasons and arguments presented by him, why a sale of certain timber should be made during the coming autumn. The danger to the timber in the Nipissing and Algoma districts from fire owing to settlers, fishing and hunting parties and mining explorers, and to railway surveys, and the probable early construction of railways through certain portions of the timber territory is in the opinion of the undersigned, quite as imminent as is set out in the annexed report.

The necessities of the lumber trade and those engaged in saw-milling enterprizes at Huntsville, Bracebridge and Gravenhurst, have also been pressed upon the department from time to time, and the undersigned concurs in what is said by the assistant commissioner under this head.

The berths mentioned in the Rainy River and Thunder Bay districts are those which were withdrawn, or were not sold at the timber sale of 1890, and include additional berths in those districts.

The undersigned approves of the report and respectfully recommends that an Order-in-Council be passed adopting the same with the condition of sale attached, and that an advertisement of such sale be issued without delay, the sale to take place about the 13th of October next.

(Sgd.) ARTHUR S. HARDY,
Commissioner of Crown Lands.

To His Honour,
The Lieut.-Governor in Council.

RECOMMENDATIONS

OF THE

ASSISTANT COMMISSIONER OF CROWN LANDS.

The undersigned has the honor to state for the information of the Honorable the Commissioner of Crown Lands, that the pine timber in the following townships and part townships is still unsold and in the Crown.

Paxton	$74\frac{3}{4}$ miles.
McCroney	73 miles.
Finlayson	$81\frac{3}{4}$ miles.
Biggar (part of)	$12\frac{3}{4}$ miles.
Butt (part of)	$57\frac{1}{4}$ miles.
Hunter (part of)	$39\frac{1}{2}$ miles.
McLaughlin (part of)	15 miles.
Peck (part of)	$56\frac{3}{4}$ miles.

The broken parts of the townships above mentioned, are the portions which were not included in the timber sale of 1887.

The townships and part townships are colored red on a map of the Huron and Ottawa territory which accompanies this report. They are situated upon the head waters of the following rivers: two branches of the Muskoka River, flowing into Georgian Bay; Maganetawan River flowing in Lake Huron; South River flowing into Ottawa River.

Being so well watered, and the country abounding with game, and the streams with fish, they are much frequented during the spring, summer and autumn seasons by fishing parties and sportsmen—classes who are notoriously careless of the setting out of fire, and who take little or no precaution to prevent it spreading, or even extinguish it when their use of it has been served. The Free Grant district of Parry Sound bounds this region on the west, and as most of the good land has been taken up in the townships which are in the market, the people have recently turned their eyes in the direction of the vacant Crown Lands; and notwithstanding warnings by forest rangers and Crown Land agents, settlement has overflowed into some of these townships, and in a number of them—notably the township of Finlayson—a considerable number of people have squatted, and are resident with clearings to which they are constantly adding. Frequent enquiries are made as to when these townships will be opened for location, and it is quite apparent that ere long either with or without the sanction of the Department, and in spite of anything it can do, there will be a considerable flow of population into these townships.

From what I have stated, it will be seen that the fine timber in this region is in extreme danger of being destroyed by forest fires; for with a population of sportsmen, having no interest in the protection of the timber, wandering about through it during the most dangerous periods of the year, the dropping of a match by one of whom might entail the destruction of all the pine timber, and the presence of a considerable number of squatters—likely to be increased largely in the immediate future, who are clearing land and constantly using fire for such purposes, when even a spark in the dry season might start a conflagration; it must be admitted there is no certainty but that this valuable asset of the Province may be greatly damaged or even destroyed any season. Indeed,

during last summer, there were several small fires within its boundaries, and had it not been for the presence of fire-rangers, who were specially sent there, large quantities of it, perhaps the whole, would have been destroyed.

In addition to the very present dangers which threaten the safety of the timber in these townships, and to which attention has been specially directed, it must be borne in mind that no less than three railways are projected, all of which must pass through this timber. The railways referred to are the Parry Sound and Ottawa, the Brockville, Westport and Sault Ste. Marie, and the extension of the Central Ontario to Sudbury.

Active construction has been going on upon the western end of the Parry Sound and Ottawa railway for the past few years, and the first or western twenty miles are completed. As a preliminary for further construction from the east at an early date, the company within the last ten days has filed in the Department of Crown Lands a plan showing the lots, concessions and townships through which the right of way of the railway has been surveyed, with a view to having the same reserved by the Department; and an examination of this plan shows that this railway runs through the entire length of the Township of Peck, and crosses diagonally the townships of Hunter and McCraney, all of which are believed to be well timbered with pine and are in the territory under consideration.

It need hardly be stated, nor need instances be cited, to prove that railway construction through the forest has always been accompanied by the burning of the timber in the vicinity of the road, and this will continue to be the case in spite of any care or precaution that can be exercised by the Government, because fire is so largely used in clearing the right of way during construction and afterwards. There is no doubt, therefore, that the same result will follow railway construction through this region, and as it will only be a short time until at least one railway is being built through this territory, this would seem an additional important reason why the timber should be disposed of at once.

To put in a staff of Government rangers with the expectation of fully protecting this timber, would entail an expenditure quite beyond any sum which has heretofore been contemplated in that connection.

It would be necessary to prevent railway construction through it, and, in addition, to eject those people who have squatted in the townships and now have considerable improvements, which actions on the part of the Department would be regarded as hardships, and would scarcely meet with public approval.

The territory lying to the east, north and south of the area under consideration, is all under license, and is being actively lumbered in, and consequently there is constant danger of trespass being made upon this unlicensed area. It therefore appears to the undersigned that the time has arrived when the disposal of the most exposed parts of this territory as timber berths would be in the public interest, as the Province would thereby secure the bonus value of the timber, and its future care and preservation from destruction by fire, and trespass would be thrown upon a number of private individuals who would give it much closer supervision, and probably be more successful in preventing its destruction than could be the Department of Crown Lands.

Apart from the question of danger and the consequent wisdom of reducing the risk of the Province by securing the bonus value of the timber, the question of disposing of at any rate a portion of this timber is forced upon the attention of the Department by other and very important considerations.

During the last ten or fifteen years the towns of Gravenhurst, Huntsville and Bracebridge have become points where large quantities of sawn lumber are manufactured, and employment has consequently been given to a large number of people, which has caused considerable influx of population to these towns and their vicinities, and the erection of a considerable number of saw mills of large capacity. Large amounts of money have been expended in wages, etc., and the industry has in no inconsiderable degree aided in promoting and maintaining the comparative prosperity which is found to exist in these localities. For the last few years the exhaustion of the supplies of saw logs for cutting at the mills situated in these towns, have been clearly foreseen, and the Department's attention has been called to it from time to time, and recently deputations have waited upon the Government urging that the unsold townships, tributary to the Muskoka waters should

be offered for sale as timber berths, so that the mill owners might have the opportunity of acquiring sufficient timber to enable them to continue their manufacturing operations. The Department has heretofore declined to put the townships up for sale, because from the information received, it did not think the time had absolutely arrived when the mills were short of stock. Now, however, some of the mills at Gravenhurst have been obliged to close down for want of logs, and it is quite clear that the time has come, when, unless opportunity is given to acquire more timber, other mills at the point mentioned will have to cease operations, with the result that large numbers of people will be thrown out of employment and probably forced to leave, thereby injuring the prosperity of these important towns, and affecting in no small degree the welfare of the whole district. It appears to the undersigned that if the Department were to refuse to give these mill owners the opportunity of acquiring at public auction, if they saw fit, material to enable them to continue their work, and give employment to the population, this refusal would without doubt contribute largely to a considerable exodus of the population now settled in these localities.

It therefore appears to the undersigned, that if the selling of its full market value, of a portion of territory will prevent the depopulation of an important part of the Province, and promote the continuance of prosperity there, that it would be in the public interest and an act of sound policy, to offer for sale such portions of these townships and parts of townships as may, with due regard to all circumstances, seem proper and expedient in the premises.

The undersigned begs to report further that the pine timber on certain townships and spaces on the north shore of Lake Huron, is in such jeopardy as to render it both politic and expedient to offer it for sale so that the bonus value of the timber may be realized. The townships are Lumsden and Morgan. They are surrounded by territory where considerable mining and exploring for minerals prevail, as it does also in these townships. Sales for mining lands have been made in their immediate vicinity, and numbers of applications for the purchase of mineral land in them have been received. The pine timber in the immediate vicinity has been damaged by fire; was disposed of by tender last fall, and is now in process of being cut. The debris from all of this timber will be easily ignited, and if fire should be started it would run with great rapidity and violence.

The presence of explorers makes it almost certain that fires will occur in that locality, as they, of all others, are the most careless and dangerous in using fire, sometimes even wantonly starting it with a view of burning the brush and earth off the rock, so as to expose the formation and thus facilitate their search for minerals. From these circumstances it will be seen that the townships are in a very exposed position; indeed it is reported that fire has already run in a part of the township of Lumsden.

One of the spaces is situated not far from these townships, being a portion of the north half of berth 49, a point jutting out into Lake Wahnapitae containing about five miles, on which there is known to be a quantity of good pine. The south half of the berth is already under license, and active cutting has been going on during the last two or three years upon it. There are valuable minerals upon this point and several mining locations have been sold there; and, from information the Department has received, it is led to believe that work will shortly be commenced upon them.

The point is timbered entirely with pine, consequently is more easily ignited and would suffer much greater damage in the event of fire, than if the bush were a mixed one. This point has been for a long time regarded as liable to destruction by fire. Several applications have been made to purchase it, the parties pointing out its exposed position, and as its destruction is almost certain within a short time, if the timber is not cut and removed, in the opinion of the undersigned it is desirable to dispose of it at once.

Another space lies on the west of Lake Pogamassing, and is composed of a narrow strip of pine lying along the lake shore which has been partially damaged by fire. The Department has had it examined and it is reported to be completely isolated from other pine timber, and fire appears to have run through it a few years ago. The quantity is small, viz.: about three millions of feet board measure, and it is exposed and would sell better now while parties are working in its immediate vicinity, cutting the burnt timber

sold under tender last fall, having there all the necessary, camps, appliances, etc., to remove it, than it would sell later on when it might probably be more damaged, the quantity not being large enough to make it worth while to put in plant and supplies to take it out.

The townships and spaces are marked red on the map of the north shore of Lake Huron which accompanies this report, and the undersigned having given their position careful consideration, respectfully suggests that authority be obtained by Order-in-Council, to offer the pine timber upon them for sale as timber berths at the same time, and upon the same conditions as may be fixed for the sale of births in the Huron and Ottawa territory.

The undersigned begs leave to suggest for your consideration the expediency of increasing the rate of Crown dues to be paid upon the timber recommended to be sold in the Nipissing and Algoma districts. This timber is conveniently situated and reported to be of good quality and could well stand an increase in the rate, particularly as regards square or waney timber, and certainly no objection could be taken to such an increase, when—as in this case—notice of the intention to increase was given prior to the disposal of the timber. Should this suggestion meet with your approval, the undersigned would respectfully state that in his opinion the increase should be twenty-five cents per thousand feet board measure upon saw logs and round timber, and five dollars per thousand feet cubic on square or waney board timber.

The undersigned would further state that the sale of timber berths in the Thunder Bay and Rainy River districts held on the 1st October, 1890: Berth No. 1, Thunder Bay, was knocked down to Mr. S. F. McKinnon, and Berth No. 4 was withdrawn, as the upset price was not reached; and that in the Rainy River district, owing to the remoteness of certain berths and some of the owners of the mills then in operation at Rat Portage and Keewatin, having obtained what they believed to be sufficient supplies of timber for their immediate wants, and to the fact that proposed purchasers had not fully explored them, the upset prices were not reached and these berths were left in the hands of the Crown.

Since then applications have been received from a number of persons for leave to become the purchasers of these berths, some of the applicants are mill owners at Port Arthur and Rat Portage, who, owing to the influx of people to Manitoba and the Northwest, find it desirable to increase their annual output of lumber, and consequently desire to add to their reserve supply of timber, while others propose the erection of new mills, or the acquisition of some which have lain idle for a few years.

In the opinion of the undersigned it would be proper, and in the interests of the mill owners and settlers, to afford these applicants an opportunity of acquiring at public auction, an additional quantity of timber, to the extent at any rate, of the berths intended to be sold at the sale of 1890, and which were withdrawn.

With respect to Berth No. 1, Thunder Bay district, the purchaser at the sale of 1890, has not carried out his purchase, nor has he paid any money on account, or made any deposit thereon, or otherwise complied with the conditions of sale, and he asserts no claim to the berth. The undersigned is of opinion that the berth should be again offered for sale.

The undersigned therefore respectfully recommends that authority be obtained by Order-in-Council to sue all or any of these berths that may be deemed expedient, at the same time as the Huron and Ottawa berths, and upon the terms and conditions hereto attached.

(Signed) AUBREY WHITE,
Assistant Commissioner

Toronto, June 21st, 1892.

AUCTION SALE OF TIMBER BERTHS

DEPARTMENT OF CROWN LANDS,

WOODS AND FORESTS BRANCH.

TORONTO, 27th June, 1892.

NOTICE

Is hereby given that under Order-in-Council, timber berths as hereunder given in the Nipissing, Algoma, Thunder Bay and Rainy River districts, viz :—Biggar, Butt, Finlayson, Hunter, McCraney, McLaughlin, Paxton, Peck, and the northerly portion of Berth 49 lying south and west of the Wahnapitae Lake, all in the Nipissing district ; the townships of Lumsden and Morgan, and a small portion of territory lying north and west of Pogamasing Lake, in the Algoma district ; Berths 1 and 7 Thunder Bay district, and 11, 27, 36, 37, 64, 65, 66, 67, 68 and 69 Rainy River district, will be sold at public auction on Thursday, the thirteenth day of October next, at one o'clock p.m., at the Department of Crown Lands.

CONDITIONS AND TERMS OF SALE.

CONDITIONS.—Each berth to be adjudged to the person bidding the highest amount of bonus therefor per square mile.

The berths sold to be subject to the "Crown Timber Regulations," except in so far as said regulations may be inconsistent with any conditions herein specified, and to such Acts or Orders-in-Council as now exists or may hereafter be passed affecting timber or territory under Timber License from the Crown.

The Department reserves the right to one bid on each berth. No deduction from area sold to be allowed for water.

The Government dues payable in respect of the berths in the Nipissing and Algoma districts shall be :—

On saw-logs and round timber at the rate of not less than $1.25 per thousand feet board measure, and on square, waney or board timber not less than $25 per thousand feet cubic measure.

The purchaser shall be entitled to the pine timber only, but shall be entitled to cut such other timber as may be necessary in order to make roads or for other purposes necessary to the removal of the pine timber.

For the purpose of making returns to the Department of timber on which Crown dues are to be collected, the timber and logs cut on the limits to be sold in the Thunder Bay and Rainy River districts, are to be measured according to the old Scribner rule, or such rule as the Department of Crown Lands may prescribe.

RE MINING LOCATIONS.—Berths, including mining locations already patented, or which may hereafter be patented, will be sold subject to the rights of patentees, to take what timber they may require for mining purposes as provided by The Mines Act, 1892.

TERMS.—Purchases to the amount of $1,000 or under, to be paid in cash on the day of sale. Purchases over $1,000 and not exceeding $5,000, one-half of bonus to be paid in cash on day of sale, and a note or notes to be given for the remaining half of bonus, payable in three months, at a bank in the City of Toronto, with seven per cent. interest.

Purchases over $5,000 and not exceeding $10,000, one-third of bonus to be paid in cash on day of sale, and notes to be given for the remaining two-thirds of bonus, payable in three and six months, at a bank in the City of Toronto, with seven per cent. interest.

Purchases over $10,000, one-fourth of bonus to be paid in cash on day of sale, and notes to be given for the remaining three-fourths of bonus, payable in three six and nine months, at a bank in the City of Toronto, with seven per cent. interest.

Ground rent for current season to be paid with cash payments of bonus.

Licenses for berths awarded at sale to be issued in due course after payment in full of bonus and ground rent.

NOTE.—Cash payments are to be made by depositing the same in a bank in the City of Toronto to the credit of the Provincial Treasurer, and delivering the certificate of deposit to the Commissioner or Assistant Commissioner of Crown Lands.

Notes given for balances due, must be endorsed by names satisfactory to the Department.

DESCRIPTION OF TIMBER BERTHS.

TOWNSHIP OF BIGGAR.

BERTH No. 3.

7 Con.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
8 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
9 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
10 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
11 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
12 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
13 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
14 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.

Area, including Road Allowances, 13¼ square miles, more or less.

TOWNSHIP OF BUTT.

BERTH No. 2.

1 Con.—Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
2 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
3 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
4 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, (31, 32, 33, 34, 35, south of Eagle Lake), and Islands A. B. C. in Eagle Lake.

Area, including Road Allowances, 13¾ square miles, more or less.

BERTH No. 3.

5 Con.—Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25.
6 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25.
7 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25.
8 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25.
9 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25.

Area, including Road Allowances, 12 square miles, more or less.

TOWNSHIP OF BUTT.—*Continued.*

BERTH No. 4.

10 Con.—Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25.
11 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25.
12 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and Island D., 21, 22, 23, 24, 25.
13 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25.
14 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25.

Area, including Road Allowances, 11¾ square miles, more or less.

BERTH No. 5.

1 Con.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
2 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
3 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
4 " " 1, 2, 3, 4, 5, 6, 7, 8, 3, 10.
5 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
6 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
7 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.

Area, including Road Allowances, 11¼ square miles, more or less.

BERTH No. 6.

8 Con.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
9 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
10 " " 1, 2, 3, 4, 5, 5, 7, 8, 9, 10.
11 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
12 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
13 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
14 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.

Area, including Road Allowances, 11 square miles, more or less.

TOWNSHIP OF FINLAYSON.

BERTH No. 1.

1 Con.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
2 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
3 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
4 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
5 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
6 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
7 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.

Area, including Road Allowances, 10¼ square miles, more or less.

DESCRIPTION OF TIMBER BERTHS.—*Continued.*

TOWNSHIP OF FINLAYSON.—*Continued.*

BERTH No. 2.

8	Con.--	Lots	1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
9	"	"	1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
10	"	"	1, 2, 3, 4, 5, 6, 7, 8, 3, 10.
11	"	"	1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
12	"	"	1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
13	"	"	1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
14	"	"	1, 2, 3, 4, 5, 6, 7, 8, 9, 10.

Area, including Road Allowances, $10\frac{3}{4}$ square miles, more or less.

BERTH No. 3.

1	Con.—	Lots	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
2	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
3	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
4	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
5	"	"	11, 12, 13, 14, Islands A. and B. in Camp Lake, 15, 16, 17, 18, 19, 20.
6	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
7	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.

Area, including Road Allowances, 10 square miles, more or less.

BERTH No. 4.

8	Con.—	Lots	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
9	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
10	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
11	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
12	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
13	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
14	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.

Area, including Road Allowances, 11 square miles, more or less.

BERTH No. 5.

1	Con.—	Lots	21, 22, 23, 24, 25, 26, 27, 28, 29, 30.
2	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30.
3	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30.
4	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30.
5	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30.
6	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30.
7	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30.

Area, including Road Allowances, 11 square miles, more or less.

BERTH No. 6.

8	Con.—	Lots	21, 22, 23, 24, 25, 26, 27, 28, 29, 30.
9	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30.
10	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30.
11	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30.
12	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30.
13	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30.
14	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30.

Area, including Road Allowances, $10\frac{3}{4}$ square miles, more or less.

TOWNSHIP OF FINLAYSON.—*Continued.*

BERTH No. 7.

1	Con.—	Lots	31, 32, 33, 34, 35, 36, 37, 38, 39, 40.
2	"	"	31, 32, 33, 34, 35, 36, 37, 38, 39, 40.
3	"	"	31, 32, 33, 24, 35, 36, 37, 38, 39, 40.
4	"	"	31, 32, 33, 34, 35, 36, 37, 38, 39, 40.
5	"	"	31, 32, 33, 34, 35, 36, 37, 38, 39, 40.
6	"	"	31, 32, 33, 34, 35, 36, 37, 38, 39, 40.
7	"	"	31, 32, 33, 34, 35, 36, 37, 38, 39, 40.

Area, including Road Allowances, 11 square miles, more or less.

BERTH No. 8.

8	Con.—	Lots	31, 32, 33, 34, 35, 36, 37, 38, 39, 40.
9	"	"	31, 32, 33, 34, 35, 36, 37, 38, 39, 40.
10	"	"	31, 32, 33, 34, 35, 36, 37, 38, 39, 40.
11	"	"	31, 32, 33, 34, 35, 36, 37, 38, 39, 40.
12	"	"	31, 32, 33, 34, 35, 36, 37, 38, 39, 40.
13	"	"	31, 32, 33, 34, 35, 36, 37, 38, 39, 40.
14	"	"	31, 32, 33, 34, 35, 36, 37, 38, 39, 40.

Area, including Road Allowances, 11 square miles, more or less.

TOWNSHIP OF HUNTER.

BERTH No. 3.

1	Con.—	Lots	21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
2	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
3	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
4	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
5	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
6	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
7	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 22, 33, 34, 35.
8	"	"	21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, Including Islands.

Area, including Road Allowances, 17 square miles, more or less.

BERTH No. 4.

1	Con.—	Lots	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
2	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
3	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
4	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
5	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
6	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
7	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
8	"	"	11, 12, 13, 14, 15, 16, 17, 18, 19, 20.

Area, including Road Allowances, $11\frac{3}{4}$ square miles, more or less.

DESCRIPTION OF TIMBER BERTHS.—*Continued.*

TOWNSHIP OF HUNTER.—*Continued.*

BERTH No. 5.

1 Con.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
2 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
3 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
4 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
5 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
6 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
7 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
8 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.

Area, including Road Allowances, 12¼ square miles, more or less.

TOWNSHIP OF McCRANEY.

BERTH No. 1.

1 Con.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
2 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
3 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
4 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
5 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
6 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
7 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.

Area, including Road Allowances, 11¼ square miles, more or less.

BERTH No. 2.

8 Con.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
9 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
10 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
11 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
12 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
13 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
14 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.

Area, including Road Allowances, 11¼ square miles, more or less.

BERTH No. 3.

1 Con.—Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
2 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
3 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
4 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
5 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
6 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
7 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.

Area, including Road Allowances, 11½ square miles, more or less.

BERTH No. 4.

8 Con.—Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
9 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
10 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
11 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
12 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
13 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
14 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.

Area, including Road Allowances, 11¼ square miles, more or less.

TOWNSHIP OF McCRANEY.—*Continued.*

BERTH No. 5.

1 Con.—Lots 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
2 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
3 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
4 " " 21, 22, 23, 24, Island A. in Moor Lake, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
5 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
6 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
7 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.

Area, including Road Allowances, 15¾ square miles, be the same more or less.

BERTH No. 6.

8 Con.—Lots 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
9 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
10 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, Island B. in Rainy Lake, 30, 31, 32, 33, 34, 35.
11 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
12 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32, 33, 34, 35.
13 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
14 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.

Area, including Road Allowances, 15 square miles, more or less.

TOWNSHIP OF McLAUGHLIN.

BERTH No. 3.

Con. 1.—Lot 1 and all those parts of Lot 2 lying northerly of the westerly boundary of timber license No. 474, of 1866-67, as run by P. L. S. William Bell in 1871, under instructions from the Department of Crown Lands, dated 1870 and retraced by P. L. S. James Dickson under instructions dated May 29, 1886.

All that part of Lot 3 lying northerly of the westerly boundary of timber license No. 474, as aforesaid, and of the northerly or rear boundary of timber license No. 474, as aforesaid.

All those parts of Lots 4, 5, 6, 7, and 8, lying north of the northerly or rear boundary of timber license No. 474 as aforesaid; and Lots 9, 10, 11, 12, 13, 14, and 15.

Con. 2—Lots 1 to 15 inclusive.
" 3 " 1 to 15 "
" 4 " 1 to 15 "
" 5 " 1 to 13 "
" 6 " 1 to 15 "
" 7 " 1 to 15 "
" 8 . " 1 to 15 "

Area, including Road Allowances, 15¼ square miles, more or less.

DESCRIPTION OF TIMBER BERTHS.—*Continued.*

TOWNSHIP OF PAXTON.

BERTH No. 1.

1 Con. - Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
2 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
3 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
4 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
5 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
6 " " 1, 2, 3, 4 5, 6, 7, 8, 9, 10.
7 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.

Area, including Road Allowances, 10¾ square miles, more or less.

BERTH No. 2.

8 Con.—Lots 1, 2, 3, 4, 5, 6, 7. 8, 9, 10.
9 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
10 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
11 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
12 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
13 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
14 " " 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.

Area, including Road Allowances, 11½ square miles, more or less.

BERTH No. 3.

1 Con.—Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
2 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
3 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
4 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
5 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
6 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
7 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.

Area, including Road Allowances, 11 square miles, more or less.

BERTH No. 4.

8 Con.—Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
9 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
10 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
11 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
12 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
13 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
14 " " 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.

Area, including Road Allowances, 11½ square miles, more or less.

BERTH No. 5.

1 Con.—Lots 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
2 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
3 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
4 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
5 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
6 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
7 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.

Area, including Road Allowances, 16½ square miles, more or less.

TOWNSHIP OF PAXTON.—*Continued.*

BERTH No. 6.

8 Con.—Lots 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
9 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
10 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32, 33, 34, 35.
11 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34. 35.
11 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
12 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
13 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
14 " " 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.

Area, Including Road Allowances, 16½ square miles, more or less.

TOWNSHIP OF PECK.

TIMBER BERTH No. 1.—Being composed of the following lots:

Con 1—Lots 1 to 15 inclusive.
" 2— " 1 to 15 "
" 3— " 1 to 15 "
" 4— " 1 to 15 "

Area, including Road Allowances, 9¼ square miles, more or less.

TIMBER BERTH No. 2.—Being composed of the following lots:

Con. 5—Lots 1 to 15 inclusive.
" 6— " 1 to 15 "
" 7— " 1 to 15 "
" 8— " 1 to 15 "
" 9— " 1 to 15 "

Area, including Road Allowances, 10½ square miles, more or less.

TIMBER BERTH No. 3.—Being composed of the following lots:

Con. 10—Lots 1 to 15 inclusive.
" 11— " 1 to 15 "
" 12— " 1 to 15 "
" 13— " 1 to 15 "
" 14— " 1 to 15 "

Area, including Road Allowances, 11¼ square miles, more or less.

TIMBER BERTH No. 4.—Being composed of the following lots:

Con. 1—Lots 16 to 29, inclusive, and all that part of lot 30 lying westerly of the southerly or rear boundary of Timber License No. 474 of 1886-67, as run by P. L. S. William Bell in 1871 under instructions from the Department of Crown Lands dated 1870, and retraced by P. L. S. James Dickson under instructions dated May 29th, 1886.

DESCRIPTION OF TIMBER BERTHS.—*Continued.*

TOWNSHIP OF PECK.—*Continued.*

Con. 2—Lots 16 to 28, inclusive, and all those parts of lots 29 and 30 lying westerly of the aforesaid southerly or rear boundary of said timber license.
Con. 3—Lots 16 to 28, inclusive, and all that part of lot 29 lying westerly of the southerly or rear boundary of said timber license.
Con, 4— do. do. do.

Area, including Road Allowances, 7 square miles, more or less.

Timber Berth No. 5.—Being composed of the following lots:

Con. 5—Lots 16 to 28, inclusive, and all that part of lot 29 lying westerly of the southerly or rear boundary of Timber License No. 474 of 1866-67 as run by P. L. S. Wm. Bell in 1871, under instructions from Department of Crown Lands dated 1870, and retraced by P. L. S. James Dickson, under instructions dated May 29th, 1886.
Con. 6—Lots 16 to 28, inclusive, and all that paat of lot 29 lying westerly of the southerly or rear boundary of said timber license.

Con. 7— do. do. do.
Con. 8— do. do. do,
Con. 9— do. do. do.

Area, including Road Allowances, 8½ square miles, more or less.

Timber Berth No. 6.—Being composed of the following lots:

Con. 10—Lots 16 to 28, inclusive, and all those parts of lot 29 lying westerly of the southerly or rear boundery of Timber License No. 474 of 1866-67, as run by P. L. S. William Bell in 1871, under instructions from Department of Crown Lands dated 1870 and retraced by P. L. S. James Dickson under instructions dated May 29th, 1886, and northerly of the westerly boundary of said timber license run as aforesaid and retraced as aforesaid.
Con. 11—Lots 16 to 28, inclusive, and all those parts of lots 29, 30 and 31 lying northerly of the westerly boundary of Timber License No. 474 aforesaid.
Con. 12—Lots 16 to 30, inclusive, and all those parts of lots 31, 32 and 33 lying northerly of the westerly boundary of Timber License No. 474 aforesaid.
Con. 13—Lots 16 to 32, inclusive, aad all those parts of lots 33 and 34 lying northerly of the westerly boundary of Timber License No. 474 aforesaid.
Con. 14—Lots 16 to 33, inclusive, and all those parts of lots 34 and 35 lying northerly of the westerly boundary of Timber License No. 474 aforesaid.

Area, including Road Allowances, 11¾ square miles, more or less.

TOWNSHIP OF MACLENNAN.

Portion of Berth 49 (Maclennan).—The north part of Timber Berth No. 49, now the Township of Maclennan, being all that part of said township lying between the line run by P. L. S. McEvoy in the year 1888 as the north boundary of the south half of said township and the waters of Lake Wahnapitæ.

Area, 13 square miles, more or less.

ALGOMA DISTRICT.

Township of Lumsden.

Con. 1—Lots 1 to 11 inclusive.
" 2— " 1 to 11 "
" 3— " 1 to 11 "
" 4— " 1 to 11 "
" 5— " 1 to 11 "
" 6— " 1 to 11 "

Area, 31¼ square miles, more or less.

Township of Morgan.

Con. 1—Lots 1 to 12 inclusive.
" 2— " 1 to 12 "
" 3— " 1 to 12 "
" 4— " 1 to 12 "
" 5— " 1 to 12 "
" 6— " 1 to 12 "

Area, 35¼ square miles, more or less.

Description of Timber Berth on the West side of Pogamasing Lake, in the District of Algoma.

Commencing at a Cedar post (marked T. B. on south side), at the intersection of P. L. S. Proudfoot's base line of 1888, with the west shore of Pogamasing Lake; thence west along said base line twenty-two chains forty links, to a birch post (marked T. B. on south and east sides); thence south one hundred and twenty-three chains to a pine post (marked T. B. on east side); thence south twenty-nine degrees east, seventy chains to a pine post (marked T. B. on east side); thence south thirty-one degrees, west, fifty-nine chains to a spruce post on the shore of a small lake (marked T. B. on east side); thence south sixty-one degrees, forty-five minutes west, crossing said small lake, forty-three chains to a pine stub (marked T. B. on east side); thence west nineteen chains, fifty links to a pine tree (marked T. B. on south and east sides); thence south eight chains, seventy links, to a spruce post on the shore of a small lake (marked T. B. on east side); thence south fifteen degrees, forty minutes west, across said lake thirty-three chains to a spruce post (marked T. B. on east side); thence south sixty-eight chains to a cedar post (marked T. B. on east side); thence south sixty-three degrees east, twenty-five chains, fifty links, to a cedar tree on the shores of a small lake (marked T. B. on east side); thence south seventy-one degrees,

DESCRIPTION OF TIMBER BERTHS.—*Concluded.*

ALGOMA DISTRICT.—*Continued.*

thirty minutes east across said lake, twenty-eight chains, fifty links, to a cedar post (marked T. B. on north side); thence north sixty-four degrees east, one hundred and nineteen chains, more or less, to a spruce post on the shore of said Pogamasing Lake (marked T. B. on north side); thence north-westerly along the water's edge of said lake to the point of beginning, containing four square miles, more or less.

THUNDER BAY DISTRICT.

TIMBER BERTH No. 1.—Being west of and adjoining the Township of Pardee, extending west from the intersection of the 3rd and 4th concession line of Pardee with the west boundary about three miles, thence south about four miles, thence east to the west boundary of Pardee, thence north to the place of beginning, comprising about twelve square miles.

NOTE.—The surveyor in laying out this berth added additional territory by mistake or without authority. The sale will be confined to the berth as above described and as contained in the original notice of sale.

TIMBER BERTH No. 7.—Lying on the north-east side of Mountain Lake, commencing on the international boundary in the east limit of mining location 101 T, thence north about two miles, thence west about two and a half miles, thence south about two miles to Mountain Lake, thence easterly along the water's edge to place of beginning, comprising four square miles, more or less.

RAINY RIVER DISTRICT.

No. of Berth.	No. of sq. miles	Description of Berth.
11	15	North of Turtle and Burnt Lakes and south of White Pine Lake.
27	7	On the east side of Manitou River flowing into Rainy River.
36	24	Nameukon River running into Bay of Rainy Lake.
37	15	do do.
64	13	Situate on Turtle Lake, commencing at a post marked "J. B. 515," planted on Small Island in Turtle Lake, situated about four miles from Eye River Portage.
65	7	Situate on Turtle Lake and its outlet, Little Trout River, commencing on Little Trout River about one mile west of outlet of Turtle Lake, and extending easterly on both sides of said river and lake.
66	8	Situate on east side of Clearwater Lake, north of Turtle Lake, commencing at a post marked "J. B. 516," planted on shore of Clearwater Lake, east of Narrows leading into a small lake.
67	1½	Situate north of Clear Lake, commencing at the outlet of Clearwater Lake and extending along the west side of said outlet.
68	4	Situate on Mink and Pigeon Lakes, commencing at Narrows between Clearwater Lake and Mink Lake and extending on both sides of Mink Lake and on north-west side of Pigeon Lake.
69	10	Situate on Martin Lake leading into Big Trout River, commencing at rapids running into Martin Lake and extending up said lake on both sides thereof.

The Department reserves the right to correct any error, if such may be found, in the above description.

ARTHUR S. HARDY,
Commissioner of Crown Lands.

RETURNS called for by resolution of the House of Assembly, dated the 12th day of April, 1893, shewing Timber Berths offered for sale at the sale of 13th October, 1892, and of the berths then sold, including those sold by private contract after the auction sale, with the area of each berth. The price per square mile paid. The names of the several purchasers. The sums of money received on accouut of purchase money. The dates of the payment therefor, and the sums (if any) remaining unpaid on the 1st of January, 1893.

Berth.	Locality.	Area.	Price per Square Mile.	Purchasers Name.	Amount received on purchase.	Date of payment.	Amount unpaid 1st January, 1893.	Remarks.
			$ cts.		$ cts.		$ cts.	
3.....	Biggar	13¼	4,000 00	John McKay.....	53,000 00	October 26		
2.....	Bull	13¾	1,200 00	Hale & Booth	16,500 00	do 15		
3.....	do	12	500 00	Thomas Murray	6,000 00	do 15		
4	do	11¾	1,600 00	do do	18,800 00	do 15		
5.....	do	11¼	1,250 00	do do	14,060 50	do 26		
6	do	11	1,150 00	do do	12,650 00	do 26		
1.....	Finlayson	10½	1,800 00	George W. Peck	18,450 00	Between Oct. 18 and		
.....	Morgan	35¼	10,600 00	do do	373,650 00	November 14		
2.....	Finlayson	10¾	4,400 00	G. J. Grant, Beck Mfg. Co.	47,300 00	October 29		
3.....	McCraney.....	11½	900 00	do do	10,350 00	do 29		
3.....	Finlayson	10	600 00	J. D. Shire.....	6,000 00	do 31		
4.....	do	11	4,100 00	J. Baird	45,100 00	do 14		
1.....	McCraney	11¼	4,750 00	do	53,437 50	do 14		
5	Finlayson	11	1,450 00	E. A. Milliner	3,987 50	do 15	11,962 50	
6	do	10¾	1,300 00	John Waldie	13,975 00	November 15		
5.....	McCraney	15¾	2,700 00	do	42,525 00	do 15		
7.....	Finlayson	11	2,800 00	Hill & Wells..... ..	14,925 00	October 17	44,775 00	
5	Peck.....	8½	3,400 00	do do				Berth No. 1, Thunder Bay, was knocked down to S. F. McKinnon at the sale of 1890, for $3,500 per mile On his failing to comply with conditions of sale, it was resumed by authority of Order-in-Council and sold at this sale.
8.....	Finlayson	11	3,200 00	C. Cameron				
.....	Lumsden.....	31½	3,100 00	do	61,200 00	November 15.....	96,875 00	
11.....	Rainy River	15	720 00	do				
69	do do	16	950 00	do				
3.....	Hunter	17	12,700 00	Gilmour & Company ..				
4.....	do	11¾	7,000 00	do do ..				
3.....	McLaughlin	15¼	4,900 00	do do ..				
1.....	Peck.....	9¼	2,600 00	do do ..	175,968 75	October 17	527,906 25	
2.....	do	10½	5,900 00	do do ..				
3.....	do	11¼	3,500 00	do do ..				
6.....	do	11¾	17,000 00	do do ..				
2.....	McCraney	11¼	1,800 00	Alexander McArthur..				
4	do	11¼	1,800 00	do do ..	15,750 00	October 19	47,250 00	
2.....	Paxton.....	11½	1,000 00	do do ..				
3	do	11	1,000 00	do do ..				
4	Peck...	7	2,700 00	N. Dyment	18,900 00	do 25		
6	McCraney	15	4,100 00	Robert Jenkins.....	61,500 00	November 15.		

....	Paxton	10¾	1,000 00	Milne & Company	5,375 00	October 17	5,375 00	
4.....	do	11⅓	7,400 00	J. Grey	73,662 50	do 19	220,987 50	
5.....	do	16½	5,700 00	do				
6.....	do	16½	7,000 00	do				
.....	Point of McClennan, West side Pogamasing Lake	13	4,400 00	Holland & Emery	14,300 00	do 14	42,900 00	
		4	7,400 00	Mr. Stewart	....	.....	29,600 00	
1.....	Thunder Bay	12	2,800 00	J. F. Coleman	8,400 00	do 20	25,200 00	
27.....	Rainy River	7	550 00	G. J. Grant	2,884 38	do 29	8,653 12	(Berth 37), withdrawn on day of sale because upset price was not reached. Sold next day to Walter Ross at upset price.
65.....	do do	7	475 00	do				
67.....	do do	1½	975 00	do				
68.....	do do	4	725 00	do				
64.....	do do	13	775 00	S. F. McKinnon	2,518 75	do 18	7,556 25	
5.....	Hunter	12¼	2,650 00	John Drynan	32,462 50	do 31	6,200 00	
66.....	Rainy River	8	775 00	do				
36.....	do do	24	400 00	Walter Ross	4,031 25	November 3	12,093 75	
37.....	do do	15	435 00	do				
7.....	Thunder Bay	4	Not sold.					
Total..					1,227,665 63		1,087,334 37	

AUBREY WHITE,
Assistant Commissioner.

DEPARTMENT OF CROWN LANDS,
TORONTO, 18th April, 1893.

No. 63.

Return to an Order of the House of the fourth day of April, 1892, for a Return of copies of all correspondence between the Commissioner of Crown Lands, or any officer of the Department of Crown Lands and George Paget and John Regan, or either of them, on the subject of, or with reference to an action in the High Court of Justice, Queen's Bench Division, between F. J. Jones, plaintiff, and James Sharpe, Peter McDermott, George Paget and John Regan, defendants, which said action was tried, or partially tried, before the Honourable Mr. Justice Rose at Hamilton, on the 2nd day of October, 1890, and settled by the parties thereto. Giving also, copies of all correspondence between the said Commissioner, or any such officer, and any other person or persons on the subject of or with reference to, the said action. Presented to the Legislature, 24th April, 1893. Mr. *Whitney*. (*Not printed.*)

No. 64.

Return to an Address to His Honour the Lieutenant-Governor of the first day of April, 1892, praying that he will cause to be laid before this House a copy of the Order in Council for the appointment of a Commissioner to examine into the claims of the Township of Proton in respect of the Land Improvement Fund, of the Commission used in pursuance thereof, and for a statement in detail of all expenses incurred in respect of the enquiry and report. Presented to the Legislature, 25th April, 1893. Mr. *Meredith.* (*Not printed.*)

COPY

Of an Order in Council adopting the First Agreement of Submission to the Arbitrators appointed for the settlement of the Accounts between the Government of the Dominion of Canada and the Governments of the Provinces of Ontario and Quebec, and as between the said Provinces of Ontario and Quebec.

Presented by Command,

J. M. GIBSON,

Secretary.

Toronto, 26th April, 1893.

COPY

OF AN ORDER IN COUNCIL APPROVED BY HIS HONOUR THE LIEUTENANT-GOVERNOR, THE 15TH DAY OF APRIL, A.D. 1893.

Upon the recommendation of the Honourable the Treasurer, the Committee of Council advise that the annexed document in connection with the arbitration proposed between the Dominion of Canada and the Provinces of Ontario and Quebec, jointly and separately, and between the two Provinces, submitted by counsel acting on behalf of the Dominion and the Provinces, be adopted and concurred in as the first Deed of Submission to the arbitrators, and that the subject matters therein mentioned be referred to the said arbitrators for their decision and award, subject to the approval of the Dominion Government and that of Quebec.

The Committee further advise that a copy of this order be sent to the Secretary of State for Canada, and the Lieutenant-Governor of the Province of Quebec.

Certified,

J. LONSDALE CAPREOL,
Asst. Clerk Executive Council.

FIRST AGREEMENT OF SUBMISSION.

"Agreement made on behalf of the Government of Canada of the first part, the Government of Ontario, of the second part, and the Government of Quebec, of the third part;

"Whereas certain questions have arisen in relation to the settlement of the accounts between the Government of the Dominion of Canada and the Governments of the Provinces of Ontario and Quebec, both jointly and severally, and also between the two Provinces.

"And whereas, by an Act of the Parliament of Canada, passed in the fifty-fourth and fifty-fifth year of Her Majesty's reign, chaptered six, and intituled "An Act respecting the settlement of accounts between the Dominion of Canada and the Provinces of Ontario and Quebec, and between the said Provinces," and also the Acts of the Legislatures of the respective Provinces of Ontario and Quebec, being 54 Victoria, Chapter 2, of the said Province of Ontario, and 54 Victoria, Chapter 4, of the said Province of Quebec, it was in effect provided that for the final and conclusive determination of the matters in said statutes mentioned, the Governor-General in Council might unite with the Governments of the said Provinces of Ontario and Quebec in the appointment of three arbitrators, to whom should be referred such questions as the Governor-General and the Lieutenant-Governors of the said Provinces should agree to submit.

"And whereas arbitrators have been duly appointed in pursuance of the provisions of the said statutes, and it is intended by these presents to define and agree upon certain questions in difference which shall be submitted to the said arbitrators for their determination and reward.

"Now, therefore, it is agreed by and between the said several Governments, parties hereto, that the following questions, as mentioned in the Order of the Governor-General in Council, of the twelfth day of December, eighteen hundred and ninety, be, and they are hereby referred to the said arbitrators for their determination and award, in accordance with the said statutes, namely:—

"1. All questions relating to, or incident to, the accounts between the Dominion and the Provinces of Ontario and Quebec, and to accounts between the two Provinces of Ontario and Quebec.

"2. The accounts are understood to include the following particulars :—"

"(*a*) The accounts as rendered by the Dominion to the Provinces up to January, 1889.

"(*b*) In the unsettled accounts between the Dominion and the two Provinces, the rate of interest, and the mode of computation of interest to be determined.

"(*c*) The accounts as rendered by the Dominion to the two Provinces up to January, 1889, to be determined upon.

"(*d*) The claims made by the Dominion Government on behalf of Indians, and payments made by the Government to Indians to form part of the reference.

"(*e*) The arbitrators to apportion the liability of Ontario and Quebec as to any claim allowed the Dominion Government, and to apportion between Ontario and Quebec any amount found to be payable by the said Government.

"(*f*) All other matters of account, (1) between the Dominion and the two Provinces, (2) between the Dominion and either of the two Provinces, and (3) between the two Provinces.

3. It is further agreed that the following matters shall be referred to the said arbitrators for their determination and award, in accordance with the provisions of the said statutes, namely :—

"(*g*) The rate of interest, if any, to be allowed in the accounts between the two Provinces, and also whether such interest shall be compounded, and in what manner.

"(*h*) The ascertainment and determination of the amount of the principal of the Common School Fund, the rate of interest which would be allowed on such fund, and the method of computing such interest.

"(*i*) In the ascertainment of the amount of the principal of the said Common School Fund the arbitrators are to take into consideration, not only the sum now held by the Government of the Dominion of Canada, but also the amount for which Ontario is liable, and also the value of the school lands which have not yet been sold.

"4. All the accounts referred to in this agreement shall be brought down and extended to the thirty-first day of December, eighteen hundred and ninety-two, inclusive.

"5. It is further agreed by and between the parties hereto that the questions respecting the Upper Canada Building Fund, and the Upper Canada Improvement Fund, are not at present to form any part of this reference, but this agreement is subject to the reservation by Ontario of any of its rights to maintain and recover its claims, if any, in respect of the said funds, as it may be advised.

"6. It is further agreed between the parties hereto that this agreement shall only have force and effect when and as soon as the same is adopted by Order in Council of the Dominion Government and of the Governments of the respective Provinces.

"7. It is further agreed that nothing herein contained is to limit or preclude the parties to this reference submitting such further and other questions or matters to the said arbitrators as may be mutually agreed upon between the parties hereto.

Counsel recommend for adoption,

"D. GEROUARD,
"Counsel for Quebec.

"W. D. HOGG,
"of Counsel for Dominion of Canada.

"ÆMILIUS IRVING,
"Counsel for Ontario.

"MONTREAL, 10 April, 1893."

REGULATIONS

Of the Provincial Board of Health with respect to Cholera, approved by Order-in-Council, dated 11th April, 1893.

Presented by Command,

J. M. GIBSON,
Provincial Secretary.

Toronto, 26th April, 1893.

RE

CHOLERA.

REGULATIONS OF THE PROVINCIAL BOARD OF HEALTH, APPROVED BY ORDER OF HIS HONOR THE LIEUTENANT-GOVERNOR IN COUNCIL, DATED 11TH DAY OF APRIL, 1893.

WHEREAS THE PROVINCE APPEARS TO BE THREATENED WITH CHOLERA DURING THE PRESENT YEAR, THE PROVINCIAL BOARD OF HEALTH, SUBJECT TO THE APPROVAL OF THE LIEUTENANT-GOVERNOR, ENACTS THE FOLLOWING REGULATIONS IN LIEU OF REGULATIONS PASSED BY ORDER-IN-COUNCIL, DATED SEPT. 17TH 1892. THE REGULATIONS FOLLOWING SHALL APPLY TO THE YEAR 1893 ONLY.

1. On receipt of a notice forwarded by registered letter, addressed to the head of the Council of any municipality or to its clerk, and signed by the Chairman and Secretary of the Provincial Board of Health, requesting the appointment of a Medical Health Officer, the Council of such municipality shall, within five days from the date of receiving such notice, appoint a Medical Health Officer and make provision for reasonable compensation for his services. If the Council refuse or neglect to make such appointment within five days after receipt of such notice the Lieutenant-Governor may, on the recommendation of the Provincial Board of Health or of its Chairman and Secretary, make such appointment. *See* Sec. 13, sub-sec. 8, Sec. 14, Sec. 17, Sec. 9, Sec. 31, Secs. 32 to 37.

2. Whenever the Medical Health Officer in any municipality requires the assistance of sanitary police for the purpose of assisting in carrying out the health regulations in force in the municipality, he shall temporarily employ one or more persons as sanitary police until the Council of the municipality shall have appointed sanitary police. Should such Council refuse or neglect to make such appointments on the request of the Medical Health Officer, such appointments may be made by the Provincial Board of Health. Sec. 13, sub-sec. 11.

3. The Local Board of Health of any municipality, and where there is no Local Board the Medical Health Officer, may, either with or without prior agreement, take possession of any unoccupied land or building not being nearer than 150 yards to an inhabited dwelling, for the purposes of an isolation hospital, subject to the provisions of secs. 22 to 28, R.S.O., Cap. 205, both inclusive, with reference to compensation and otherwise. Any title acquired shall vest in the municipality. Said Health authority shall establish on said land or in said building an hospital temporarily, with necessary hospital appliances for the reception and care of patients; and equip the same to the satisfaction of an officer of the Provincial Board of Health. Ambulance or other necessary conveyance shall also be provided. Sec 32, Sec. 28.

4. Where, in the opinion of the Provincial Board of Health, "Houses of Detention" are necessary for the observation of persons suspected of having, or of having been exposed to cholera, the same shall be supplied by the Medical Health Officer as the Officer of the Local Board of Health, and equipped to the satisfaction of an officer of the Provincial Board of Health.

5. Any default on the part of the authorities of any municipality in taking immediate and effective action in carrying out the regulations of the Provincial Board of Health, or any of the Health Acts of this Province, or any health by-law in force in the municipality, shall be at once reported by the Medical Health Officer to the Secretary of the Provincial Board, in order that the said Board may take such measures as it deems requisite for placing the said municipality in a position as regards its sanitary arrangements to effectively combat the said disease. 2, Chol. Reg.

6. The Medical Health Officer of every municipality or any of his medical assistants, having received information of a suspected case of cholera shall immediately inquire into the facts either by consultation with the attending physician or by his own personal observation or by both. 3, Chol. Reg.

If the characteristic symptoms are not sufficiently developed at the time of investigation, the Medical Health Officer shall keep the case under his personal observation until the true nature of the disease is discovered.

Until the time has arrived when, in the opinion of the Medical Health Officer, all cause for suspicion of danger is past, the suspected case shall be isolated and otherwise dealt with in the same manner as prescribed for a case of Cholera.

7. On the occurrence of the first or any case of Cholera in a municipality, the Medical Health Officer shall at once remove the attacked to the Isolation Hospital, tent, or other place provided under the Act, or cause such person to be otherwise efficiently isolated, and shall take proper measures for the disinfection, or if necessary the destruction of all clothing which may have been exposed to the contagion, and for the disinfection and purification of every conveyance, rail-car, steamboat, sailing-vessel, carriage or other vehicle which may have been exposed to the contagion. 4, Chol. Reg.

8. In the case of the death of any person suffering from Cholera the Medical Health Officer shall at once be notified by either the physician or party in charge of the body, and the Medical Health Officer shall cause the body to be enveloped in a sheet thoroughly saturated with a solution of mercuric chloride in the proportion of one in five hundred parts (two drachms to the gallon). An outer sheet shall also be applied to prevent evaporation. As soon as possible the body shall be placed in a coffin and surrounded by a quantity of chloride of lime, or fresh quick-lime, and the coffin shall be immediately thereafter permanently closed. It shall be the further duty of the Medical Health Officer to see that the funeral be strictly private, and that the body be buried in some cemetery commonly used for the burial of persons dying within the said municipality, and that all infected apartments, clothing and other effects be speedily and thoroughly disinfected, and that no such apartments be entered or occupied by members of the family or other persons until they have been so disinfected. 12, Chol. Reg.

9. He shall further place in another building or tent which shall be provided, as already prescribed, all persons who may have been exposed to the contagion, and shall supply them with all necessaries until the period of incubation of the disease shall have elapsed, and no such person shall go or be permitted to go abroad until the period of incubation of the disease has elapsed, nor until the clothing or effects worn or carried by or with him or her have been properly disinfected. 6, Chol. Reg

10. Whenever, in the opinion of the Medical Health Officer, it is necessary for the safety of the public that a case of Cholera be isolated in a hospital or hospital tent, he shall be empowered to supply, at the expense of the municipality, a conveyance for the purpose of carrying said person to the hospital. He shall also supply nurses and such medical aid and other necessaries as in his judgment are required, and charge the cost of same as provided under the Public Health Act. 6, Chol. Reg.

11. When any sailing-vessel, steam-boat, rail-car or other conveyance coming from an infected locality enters any port in Ontario, the Medical Health Officer having jurisdiction in the port, or any Provincial Medical Inspector, shall make a strict inspection of the said sailing-vessel, steamboat, rail-car or other conveyance and examination of the passengers, officers and crew, luggage, clothing, bedding, freight or other effects before

any person, luggage, freight or other thing is landed or allowed to be landed from it, and where any infected or exposed person is found on board he or she shall be dealt with in the manner directed in these regulations, and no luggage, freight or other thing shall be landed from the sailing-vessel, steamboat, rail-car or other conveyance until it has been thoroughly disinfected. 7, Chol. Reg.

12. Local Medical Health Officers, and all other Local Health Officers shall, whenever required by the Provincial Medical Inspectors, aid such Inspectors in providing for and compelling the removal of suspected or infected persons from trains or boats and for isolating and for supplying them with medical aid ; and the expenses attendant upon the discharge of such duties shall be borne by the Provincial Board in all cases where the persons for whom they are performed are unable to pay therefor and are not residents in the municipality in which they are taken care of. 9, Chol. Reg.

13. Until the publication of notice in the *Ontario Gazette* removing the prohibition no rags or clothing shipped by boat, rail-car or other conveyance as merchandise from infected localities shall be landed or permitted to be landed in any part of the Province unless accompanied by a properly authenticated certificate from a Health Officer appointed under the Health Act of Ontario, or from some person approved of by the Provincial Board of Health, certifying that the said articles had been properly disinfected before sh pment or were free from infection. 10, Chol. Reg.

Provincial Medical Inspectors.

14. With a view to preventing the introduction and spread of Cholera in Ontario the Lieutenant-Governor in Council may from time to time appoint, on the recommendation of the Provincial Board of Health, or a Committee thereof, Provincial Medical Inspectors, who shal. possess all the powers conferred upon any officer or member of the Provincial Board or any member or officer of a Local Board of Health in his capacity as a health officer.

(1) Such Medical Inspectors may board all trains and all boats in Ontario or coming thereto suspected of having infected persons, luggage, freight or other effects on board, and every such inspector may take in respect of such persons, luggage, freight or effects any sanitary precautions authorized by any of the Health Acts of this Province, or by any regulations which may hereafter be issued by the Provincial Board of Health and approved by the Lieutenant-Governor in Council, and which, in the opinion of such Inspector, are expedient for the purpose of guarding against the introduction or spread of Cholera. Every person on such trains or boats shall answer truthfully all reasonable questions which an inspector shall, in the performance of his duty, ask such person with reference to the places such person has been at, and his or her stay there during the fourteen days next preceding such enquiry being made ; and in case such person refuses or omits so to answer, the inspector shall be justified in presuming that such person has been within such time exposed to infection and in acting accordingly, subject to any regulations which may hereafter be made by the Provincial Board of Health, approved by the Lieutenant-Governor in Oouncil, and to any directions which may be given by the Lieutenant-Governor in this behalf. Order 17th Sept., 1892.

(2) The Inspector shall notice whether passengers have tickets direct from any infected locality, or whether the dates on the tickets show that the passengers have probably stopped over at any point.

(3) He shall note the destination of all such persons.

(4) He shall obtain information as to the place or places where they have come, and whether there is any reason to suspect that such places are infected.

(5) If the Provincial Medical Inspector believes that any person is infected, or that his or her clothing or other effects contain infection, he shall detain such person and his or her clothing and effects aforesaid at some convenient point *en route* until the period of incubation is over, and the clothing and other effects shall be at once disinfected by the Inspector or by the Medical Health Officer at his request.

(6) If the Provincial Medical Inspector only suspects that any person or the effects of any such person, have been exposed to infection he shall notify the Medical Health Officer or Local Board of Health of the locality to which the person is going to meet the train or boat and to keep the said person and his effects thereafter under observation.

(7) In case any person is believed to be conveying or is suspected of conveying contagion, he shall be detained by the Provincial Medical Inspector or by the Medical Health Officer until the danger of infection is over.

(8) The action to be taken in the event of a case of Cholera being discovered is shortly as follows: (*a*) detention and isolation of persons affected or exposed to infection; (*b*) disinfection of clothing, baggage and other effects; (*c*) disinfection of car or boat; (*d*) notification of Local Health Officers at places of destination.

15. Provincial Medical Inspectors shall, whenever directed by the Provincial Board of Health in the case of towns, villages and townships and by the Lieutenant-Governor in the case of cities, investigate the sanitary condition of any municipality, with regard especially to the duties laid upon local board and their officers by an Order-in-Council as well as by the Public Health Act; and they shall promptly report to the Secretary of the Provincial Board any neglect or omission on the part of any Local Board or Medical Health Officer to carry into effect any Order-in-Council made under the Public Health Act.

Such Inspectors shall especially enquire into:

(1) The appointment of a Medical Health Officer.

(2) The possession of land for insolation hospital purposes.

(3) The possession by the municipality of an isolation building or tent hospital and a house of detention.

(4) The proper equipment of hospital or house of detention in matters necessary for the nursing of the sick and for the care of suspected persons.

(5) The character of the municipal inspection of water supplies whether public, or of private wells; and whether contaminated wells are being filled up where necessary.

(6) The extent to which privy pits exist, and the progress being made in their removal and replacement by earth closets.

(7) The character of the system adopted for the regular removal by the municipality of the contents of earth closets.

(8) The existence and location of a municipal dumping ground for earth closet and privy vault wastes, and for town garbage.

(9) The existence of pig-styes and hog-feeding establishments within incorporated municipalities, except in any special cases which have been submitted to and approved by the Provincial Board.

(10) The slaughtering of animals on sites and in structures from which the exigency seems to demand any departure from the terms of sections 8 and 9 of Schedule A to the Public Health Act; and to see whether the Medical Health Officers are carrying out the provisions of said sections 8 and 9.

15(*a*). When the case appears to be urgent owing to the presence of Cholera in the Province, or immediately contiguous thereto, the Lieutenant-Governor in Council may authorize the Provincial Medical Inspectors, or any of them, to perform any duty belonging to any Local Board of Health or Medical Health Officer, and which is neglected by such Local Board or Medical Health Officer; the expenses incurred therein to be paid by the municipality, saving and except the salary and expenses of the Provincial Medical Inspectors.

Duties of Local Boards of Health and Medical Health Officers.

16. Subject to the approval of the Lieutenant-Governor in Council, the Provincial Board of Health may, whenever it deems it necessary, or may without such approval being first had, whenever requested by any Local Board of Health of any incorporated municipality, require the Medical Health Officer :

(1) To order by a special notice delivered in writing the closing of wells known by their history or by their location to have been, or likely to be, contaminated, and in such cases where failure to close the same occurs, said officer shall have the same closed by sanitary police or other person employed by them ; and to cause other wells to be cleansed as provided in the instructions in "Pamphlet No. 1, 1893,' issued by the Provincial Board of Health.

(2) To order the removal of the contents, where he deems the same necessary, and the filling up of all privy-pits within the municipality within a given time, and the replacing of the same by dry earth closets, the same as, or similar to that described in "Pamphlet No. 1, 1893," issued by the Provincial Board of Health.

(3) To supply at the expense of the municipality, when not already owned or contracted for by the municipality, one or more scavenger carts and appliances, by contract or purchase, for the removal of the wastes from privies, earth closets, lanes, streets and premises, and for inspection of the dumping of said wastes, and for the purchase or rental of a piece of ground for a municipal dump. In all cases where dumps cannot be purchased or rented, the Provincial Board of Health shall be final arbitrator and shall locate the same, whether within or without the municipality. In any case where damages can be shown to have arisen by neglect to supervise such dump the corporation using the same shall become liable for damages.

(4) To issue an order requiring all slaughter-houses to be removed outside the limits of cities, towns or villages within a given number of days, unless said slaughter-houses are in keeping with the provisions of section 8 of Schedule A of the Public Health Act or the Regulations for the Construction of Slaughter-Houses, contained in "Pamphlet No 1, 1893," issued by the Provincial Board of Health. He shall also direct that all pig-styes, hog-feeding establishments and knackeries shall, when deemed necessary by him, be removed outside the limits of said municipality unless it is otherwise ordered in any special case submitted to and approved of by the Provincial Board of Health.

17. The provisions of "Pamphlet I., 1893," issued by the Provincial Board of Health are intended as a guide for the specific performance of such instructions as are contained in these Regulations.

COPY

Of an Order-in-Council approving of the Regulations, respecting the sources of supply and the place of storage of Ice intended for domestic use or cooling purposes, adopted by the Provincial Board of Health.

Presented by Command.

J. M. GIBSON,
Secretary.

Toronto, 26th April, 1893.

COPY

OF AN ORDER-IN-COUNCIL APPROVED BY HIS HONOR THE LIEUTENANT-GOVERNOR, THE 27TH DAY OF JANUARY, A. D. 1893.

The Committee of Council advise that the annexed regulations, numbered 1, 2, 3 and 4, with regard to the source of supply, and the place of storage of ice which is intended either for domestic use, or for cooling purposes, within any municipality, adopted by the Provincial Board of Health on the 24th day of January, 1893, be approved of by Your Honor.

Certified,

J. LONSDALE CAPRÉOL,

Asst. Clerk Executive Council.

REGULATIONS *RE* ICE SUPPLY.

ADOPTED BY THE PROVINCIAL BOARD OF HEALTH, JANUARY 24TH, 1893.

1. The Local Board of Health of any municipality shall make regulations with regard to the sources of supply and the place of storage of ice which is intended either for domestic use or for cooling purposes only within such municipality. (See Sec. 35.)

The powers and duties of any local board in this respect shall extend to the supervision of the cutting and storing of ice supplies, whether obtained within or without the municipality, whenever the ice cut is intended for use within the municipality, in which any such Board has jurisdiction.

2. A Local Board of Health may appoint inspectors, who, as constables under the Act, shall have authority to take such action as shall effectually prevent the cutting or storing of ice at places other than those approved of by the Local or by the Provincial Board of Health. (See Sec. 102.)

3. Whenever any Local Board of Health is unable to decide as to the purity of the source from which the proposed ice supply for the municipality is to be taken, it is hereby required to submit the matter to the consideration of the Provincial Board of Health. After investigating the question and taking such evidence as may be necessary to show the quality of the source of such ice supply the Provincial Board of Health shall decide upon the question submitted to it and such decision shall be final.

4. Any ice supplies obtained from a source not approved of by the Provincial Board of Health, or by the Local Board of Health of any municipality in which such ice supplies are to be stored or to be used, shall be liable to seizure and confiscation by the said Local Board of Health.

RETURN

(IN PART)

To an Order of the Legislative Assembly, dated the 11th April, 1892, for a Return shewing by Townships the amount remaining unpaid on the 31st December, 1891, on Lands sold, of (1) Crown Lands, (2) Common School Lands, (3) Grammar School Lands, (4) Railway Lands, and the aggregate amount due in respect of each of the said classes of lands, distinguishing the amounts due for principal and interest respectively.

By Command

J. M. GIBSON,
Secretary.

Toronto, 26th April, 1893.

A PARTIAL RETURN

Ordered by the House and dated 11th April 1892, on motion of Mr. Meredith, seconded by Mr. Wood, viz:—"Ordered that there be laid before this House a Return shewing by Townships the amount remaining unpaid on the 31st of December last on lands sold, of (1) Crown Lands, (2) Common School Lands, (3) Grammar School Lands, (4) Lands, and the aggregate amount due in respect of each of the said classes of lands, distinguishing the amounts due for principal and interest respectively." (Clergy lands are also included.)

Township.	Crown Lands.		Common School Lands.		Grammar School Lands.		Clergy Lands.		Railway Lands.		Total.	
	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
Bruce County—												
Bruce			15,607 71	31,603 34							15,607 71	31,603 34
Greenock	1,123 32	2,049 11									1,123 32	2,049 11
Elderslie			6,934 68	14,065 70							6,934 68	14,065 70
Carrick	593 40	1,229 95									593 40	1,229 95
Brant			1,679 95	3,241 54							1,679 95	3,241 54
Arran			4,851 53	9,505 97							4,851 53	9,505 97
Kincardine			4,106 53	7,915 36							4,106 53	7,915 36
Culross	1,131 83	1,920 86									1,131 83	1,920 86
Saugeen			3,151 37	5,063 70							3,151 37	5,063 70
Kinloss	1,589 57	2,751 98	330 00	591 49							1,919 57	3,343 47
Huron			3,712 78	7,170 79							3,712 78	7,170 79
Carleton County—												
Nepean	216 00	602 00									216 00	602 00
Marlborough	620 40	701 61					598 40	996 62			1,218 80	1,698 23
March	56 64	130 10									56 64	130 10
Huntley	107 94	165 06					60 00	137 00			167 94	302 06
Gloucester	242 48	565 41									242 48	565 41
Fitzroy	120 40	254 85					278 72	654 95			399 12	909 80
Dufferin County—												
East Luther	896 63	1,279 00					83 84	98 35			980 77	1,377 35
Mulmer	45 00	104 37									45 00	104 37
Amaranth	590 95	827 36									590 95	827 36
Melancthon	2,053 86	3,138 41									2,053 86	3,138 41
Dundas County—												
Matilda							131 20	146 45			131 20	146 45
Mountain							37 53	67 92			37 53	67 92
Williamsburg							121 10	132 15			121 10	132 15
Winchester							200 00	226 60			200 00	226 60

Durham County—												
Clarke	150 00	290 40					345 00	634 40			495 00	924 80
Elgin County—												
Dunwich							135 00	231 15			135 00	231 15
Bayham							365 00	560 75			365 00	560 75
Aldborough							35 10	91 76			35 10	91 76
Essex County—												
Tilbury	99 39	162 93									99 39	162 93
Rochester	49 95	76 98					256 00	313 25			305 95	390 23
Frontenac County—												
Pittsburgh	52 00	86 32					20 00	34 06			72 00	120 38
Portland	80 00	155 92					175 15	240 41			255 15	396 33
Palmerston	756 40	998 27									756 40	998 27
Oso	6,114 37	5,105 28					1,146 56	1,097 91			7,260 93	6,203 19
Olden	3,306 01	3,250 67					1,061 35	1,256 52			4,367 36	4,507 19
Miller	614 95	1,060 26									614 95	1,060 26
Loughboro'	477 80	612 46									477 00	612 46
Kingston							80 00	101 44			80 00	101 44
Kennebec	1,476 15	1,289 47					583 27	584 48			2,059 42	1,873 95
Hinchinbrooke	1,908 35	1,762 50					1,202 15	1,488 70			3,110 50	3,251 20
Clarendon	193 20	301 86									193 20	301 86
N. Canonto	117 60	227 79									117 60	227 79
Bedford	515 36	652 74			1,573 53	1,779 60	857 45	1,525 87			2,946 34	3,958 21
Barrie	2,453 41	3,120 34									2,453 41	3,120 34
S. Canonto	174 80	294 41									174 80	294 41
Glengarry County—												
Lancaster							117 32	258 60			117 32	258 60
Kenyon							124 00	166 78			124 00	166 78
Lochiel							217 50	673 15			217 50	673 15
Grenville County—												
Augusta	500 36	1,136 58									500 36	1,136 58
South Gower							122 75	137 72			122 75	137 72
Walford							374 00	469 12			374 00	469 12
Grey County—												
Egremont	592 27	952 94	11,974 77	24,356 78							12,567 04	25,309 72
Osprey	4,267 30	7,452 00									4,267 30	7,452 00
Sullivan	118 27	152 80	10,846 85	22,207 50							10,965 12	22,360 30
Artemesia	2,199 90	4,074 90									2,199 90	4,074 90
Bentinck			9,684 00	18,351 30							9,684 00	18,351 30
Collingwood	280 00	365 55					733 15	1,071 35			1,013 15	1,436 90
Derby	411 65	719 40	1,415 20	3,039 70							1,826 85	3,759 10
Euphrasia	244 20	436 25									244 20	436 25
Glenelg	293 05	426 43	13,892 05	26,967 88							14,185 10	27,394 31
Carried forward												

RETURN of Lands, etc.—*Continued.*

Township.	Crown Lands.		Common School Lands.		Grammar School Lands.		Clergy Lands.		Railway Lands.		Total.	
	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
Brought forward												
Grey County—*Continued.*												
Holland	1,116 13	2,183 55	1,616 25	3,046 66							2,732 38	5,230 21
Normanby	637 48	1,050 20	7,452 95	15,542 80							8,090 43	16,593 00
Proton	48 00	87 30			15,668 22	27,668 22					15,716 22	27,238 52
Sydenham	428 75	800 53	2,377 14	5,204 42							2,805 89	6,004 95
St. Vincent							400 00	451 50			400 00	451 50
Halton County—												
Esquesing							105 00	267 75			105 00	267 75
Hastings County—												
Elzivir	4,246 61	6,769 20					537 55	528 16			4,784 16	7,297 36
Marmora	757 64	1,145 65					557 35	1,109 22			1,314 99	2,254 87
Madoc	144 00	298 20					932 10	2,040 68			1,076 10	2,338 88
Limerick	223 20	375 16									223 20	375 16
Lake	1,148 55	1,728 35					255 20	360 40			1,403 75	2,088 75
Huntingdon							546 00	904 94			546 00	904 94
Hungerford	470 10	362 20					1,302 56	2,347 82			1,772 66	2,710 02
Grimsthorpe	101 08	47 60									101 08	47 60
Dungannon	40 00	62 90									40 00	62 90
Faraday	167 20	277 55									167 20	277 55
Cashel	132 60	229 35									132 60	229 35
Bangor	482 40	825 17									482 40	825 17
Wicklow	161 60	274 82									161 60	274 82
Tudor	4,568 38	6,130 68									4,568 38	6,130 68
Sidney							84 24	156 43			84 24	156 43
Rawdon							557 42	972 20			557 42	972 20
Monteagle	390 50	642 37									390 50	642 37
Wollaston	18 25	14 65									18 25	14 65
Huron County—												
Grey	83 70	189 80	1,418 20	2,859 35							1,501 90	3,049 15
Wawanosh	38 00	29 00	1,001 55	2,035 68							1,039 55	2,064 68
Turnberry			1,956 64	3,603 79							1,956 64	3,603 79
Morris			1,580 50	3,424 42							1,580 50	3,424 42
Howick	913 82	1,505 34	630 00	1,097 01							1,543 82	2,602 35
Ashfield			2,248 30	4,439 94							2,248 30	4,439 94

Kent County—												
Tilbury East	491 00	782 23									491 00	82 23
Camden							348 00	536 96			348 00	536 96
Lambton County—												
Brooke	153 60	204 90									153 60	204 90
Lanark County—												
Bathurst	166 65	262 64					185 16	341 00			351 81	603 64
Beckwith	134 00	136 65					175 40	344 19			309 40	480 84
Burgess, North	13 30	25 74					92 80	168 30			106 10	194 04
Dalhousie	604 35	863 89					611 40	1,001 55			1,215 75	1,865 44
Darling	1,896 18	2,818 52					312 60	429 65			2,208 78	3,248 17
Drummond							181 46	367 36			181 46	367 36
Lanark	306 00	411 17					443 37	884 06			749 37	1,295 23
Lavant	44 90	42 25					88 00	78 40			132 90	120 65
Montague	363 60	449 77									363 60	449 77
Pakenham	743 15	921 38					454 83	662 53			1,197 98	1,583 91
Ramsey	172 80	322 70					250 30	322 23			423 10	644 93
Sherbrooke, N	126 30	209 07					404 05	724 36			530 35	933 43
Sherbrooke, S	1,222 79	1,603 47					277 45	400 36			1,500 24	2,003 83
Leeds County—												
Crosby, North							128 00	308 48			128 00	308 48
Crosby, South	13 70										13 70	
Elizabethtown							32 68	41 86			32 68	41 86
Elmsley, South							26 64	57 10			26 64	57 10
Kitley							265 26	188 51			265 26	188 51
Front and Rear of Leeds and Lansdowne	82 07	81 88					321 20	463 65			403 27	545 53
Front of Yonge, Rear of Yonge and Escote	104 90	102 30					163 47	318 44			268 37	420 74
Lennox and Addington County—												
Abinger	120 00	227 80									120 00	227 80
Anglesea	360 60	433 11									360 60	433 11
Camden							124 00	197 12			124 00	197 12
Kaladar	3,346 04	4,218 14					564 47	585 54			3,910 51	4,803 68
Sheffield					2,946 77	2,831 99	480 55	356 20			3,427 32	3,188 19
Middlesex County—												
Westminster							315 00	1,041 70			315 00	1,041 70
Norfolk County—												
Houghton					3,992 98	6,640 42	1,558 25	3,318 54			5,551 23	9,958 96
Middleton					126 53	289 75					126 53	289 75
Townsend							900 00	1,677 60			900 00	1,677 60
Windham							204 20	301 09			204 20	301 09
Carried forward												

RETURN of Lands, etc.—*Concluded.*

Township.	Crown Lands.		Common School Lands.		Grammar School Lands.		Clergy Lands.		Railway Lands.		Total.	
	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.
	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
Brought forward												
Northumberland County—												
Cramahe							222 35	284 83			222 35	284 83
Percy							495 00	1,266 70			495 00	1,266 70
Seymour					319 15	699 97	1,002 45	1,787 27			1,321 60	2,487 24
Ontario County—												
Brock	3,995 00	4,254 00									3,995 00	4,254 00
Mara	1,371 03	1,612 45					832 50	1,257 80			2,203 53	4,870 25
Rama	3,088 20	2,527 63					11 90	10 00			3,100 10	2,537 63
Reach							110 00	104 06			110 00	104 06
Scott							32 00	87 56			32 00	87 56
Thorah including Canise Island	168 55	167 57					237 00	215 05			405 55	382 62
Oxford County—												
Blandford					445 00	1,122 65	132 00	352 00			577 00	1,474 65
Oxford, North							160 00	398 55			160 00	398 55
Perth County—												
Elma	135 00	301 85	54 45	94 85							189 45	396 70
Mornington							2,578 48	4,057 50			2,578 48	4,057 50
Wallace	145 50	267 00	723 65	1,490 15							869 15	1,757 15
Peterboro' County—												
Anstruther	134 80	218 95									134 80	218 95
Belmont	113 43	152 43					1,237 57	2,455 86			1,351 00	2,608 29
Burleigh	1,868 90	908 26					558 80	350 07			2,427 70	1,258 33
Cavendish	90 40	156 92									90 40	156 92
Dummer	679 60	755 23					1,920 15	3,570 75			2,599 75	4,325 98
Ennismore	123 20	280 29					288 00	633 60			411 20	513 89
Galway	834 32	832 79									834 32	832 79
Harvey	4,938 20	3,336 09					1,049 10	820 89			5,987 30	4,156 98
Methuen	1,039 00	472 29					88 80	9 31			1,127 80	481 60
Smith							222 48	416 09			222 48	416 09

Prescott County—												
Caledonia							96 00	197 95			96 00	197 95
Hawkesbury, East							146 34	433 95			146 34	433 95
Plantagenet, North							62 91	72 70			62 91	72 70
Total	82,344 51	106,276 45	109,247 05	216,920 12	25,072 18	40,515 60	35,131 33	56,435 83			251,795 07	420,148 00

N. B. Remaining portion of this Return in course of preparation.

Total Principal	$251,795 07
" Interest	420,148 00
Grand Total	$671,943 07

D. GEO. ROSS,
Accountant.

AUBREY WHITE,
Assistant Commissioner.

DEPARTMENT OF CROWN LANDS,
TORONTO, 26th April, 1893.

SIXTH ANNUAL REPORT

OF THE

COMMISSIONERS

FOR THE

QUEEN VICTORIA NIAGARA FALLS PARK.

1892.

PRINTED BY ORDER OF THE LEGISLATIVE ASSEMBLY.

TORONTO:
PRINTED BY WARWICK & SONS, 68 AND 70 FRONT STREET WEST
1893.

SIXTH ANNUAL REPORT

OF THE

COMMISSIONERS

FOR THE

QUEEN VICTORIA NIAGARA FALLS PARK.

To the Honourable GEORGE AIREY KIRKPATRICK,
Lieutenant-Governor of the Province of Ontario.

May it please your Honor :

The Commissioners of Queen Victoria Niagara Falls Park, beg to submit their report for the year ended 31st December, 1892, being their Sixth Annual Report.

In their last report the Commissioners gave a summary of the negotiations had with certain capitalists for the disposal of the franchise to construct and operate an electric railway along the banks of the Niagara River between Chippewa and Queenston, and submitted the agreement entered into with the Niagara Falls Park and River Railway Company as the result of these negotiations. The location of the railway through the park and along the chain reserve was fixed by the Commissioners, and also the site of the power house and the various sidings with all other works requiring their assent. The construction has been carried on with considerable energy and the road bed and bridges are all of the most substantial character. It is expected that the railway will be ready to operate by the 1st of June, or very shortly after that date. The Commissioners learn that a steamer to connect with the railway at Queenston for Toronto is now in course of construction, which in point of capacity, appointments and speed, is expected to be the equal of the best on the Northern lakes. The Commissioners have good reasons to believe that when the electric railway and its connection are in active operation the great object of granting the franchise, as stated in their last report, will be accomplished, viz, to largely increase the number of visitors and to bring into greater prominence the Canadian Park and its historic environment, not only at the Falls but all along the banks of the Niagara River on the Canadian side.

The option, which had been granted to certain English capitalists, for the right to use the waters of the Niagara River certain limits for generating electricity for various purposes beyond the confines of the park, expired on the 1st of March last, without being taken up by the original holders of the option. Their representatives in this country, however, formed a connection with American capitalists largely interested in electrical schemes of a commercial character, and a company was formed to take over the rights and privileges for which the option had been given. An agreement was entered into between the Commissioners and the company, of which the following is a copy : "This agreement made this 7th day of April, 1892, between the Commissioners for the Queen Victoria Niagara Falls Park acting herein on their own behalf, and with the approval of the Government of the Province of Ontario, and hereinafter called the Commissioners, of the first part ; and Albert D. Shaw, of Watertown, in the State of New York, Francis Lynde Stetson and William B. Rankine, of the City of New York, in the State of New York, hereinafter called the company, of the second part.

"And whereas for convenience and to prevent ambiguity it is agreed and understood by and between the said parties hereto and is hereby declared as follows, that is to say :

"(*a*) The expression 'the park' whenever it occurs herein shall be understood to mean the park proper, namely, the Queen Victoria Niagara Falls Park south of its original boundary in front of the Clifton House and running easterly to Niagara River.

"(*b*) The expression 'the Commissioners' whenever it occurs herein shall be understood to mean not only the Commissioners of the Queen Victoria Niagara Falls Park—as representing the Government of the Province of Ontario, in the premises—named as parties hereto of the first part, but also their successors and assigns, and those who for the time being may be the Commissioners of the Queen Victoria Niagara Falls Park, or other representatives of the Government of Ontario in the premises.

"(*c*) The expression 'the company' wherever it occurs herein shall be understood to mean not only the individuals above named as parties hereto of the second part, but also their and each of their heirs, executors, administrators, and assigns, and the company to be incorporated as hereinafter mentioned, and its successors and assigns.

"And whereas the company have applied to the Commissioners for the right to take water from the Niagara River at a certain point or points in the park, in order that the company may thereby generate and develop electricity and pneumatic power for transmission beyond the park.

"And whereas it is the intention of the company to apply to the Legislature of Ontario at its present session, for a charter of incorporation to enable them and such others as may be associated with them in the undertaking to construct and operate the said works hereinafter defined.

"And whereas the company desire to secure the right to construct their works in the park, and the Commissioners have agreed to permit such construction upon the terms and for the considerations hereinafter expressed and contained, or intended so to be.

"Now, therefore, this agreement witnesseth as follows, that is to say :

"(1) For the purpose of generating electricity and pneumatic power to be transmitted to places beyond the park, the Commissioners hereby grant to the company a license irrevocable save as hereinafter limited, to take water from the Niagara River, between the head of Cedar Island and the main land south thereof, and lead such water, by means of the natural channel between Cedar Island and the mainland and the further extension of the channel, to supply works to be erected and constructed by the company in buildings and power houses on the mainland within the park, on a location near the foot of the high bluff between the Carmelite Monastery and the rear of Table Rock House, which location shall occupy a tract of land of not more than 1,200 feet in length by not more than 100 feet in width, such location of buildings and power houses from time to time to be erected as shall be hereafter settled within the aforesaid limits by the Commissioners.

"(2) The company shall have the further right to excavate tunnels to discharge the water led from the Niagara River to the said buildings and power houses, so that such water by means of such tunnels shall emerge below the Horse Shoe Fall, at or near the water's edge of the Niagara River.

"(3) The right to take water from the Niagara River for the purposes aforesaid, shall be subject to the rights existing and heretofore granted under the three following agreements, namely :

"(*a*) The agreement between the Commissioners and the corporation of the town of Niagara Falls, dated the first day of September, 1889, and the right of granting at the expiration of said agreement the use of the same amount of water to the said town or to any other party.

"(*b*) The agreement for the construction of the electric railways in accordance with the Act of the Legislature of Ontario entitled 'An Act to incorporate the Niagara Falls Park and River Railway Company,' and subject to the point of intake of water to generate electricity under the terms of the agreement being fixed by the Commissioners as may be found necessary.

"(*c*) The agreement made with Sutherland Macklem for the supply of water for the mansion and grounds known as Clark Hill.

"(4) The license hereby granted is for the term of twenty years, commencing with the first day of May, 1892, the company paying therefor at the clear yearly rental of twenty-five thousand dollars ($25,000) during the first ten years (the rent to be computed from the first day of November, 1892) ; the rental for the period from the first day of May, 1892, to the 1st of November, 1894, which is fixed at fifty thousand dollars ($50,000), having been paid to and accepted by the Commissioners in two payments of the sum of fifteen thousand dollars ($15,000), and the further sum of thirty-five thousand dollars (35,000), paid by the company at or prior to the execution and delivery of this instrument ; the rent for the remainder of the first ten years of the term to be payable in half-yearly payments and at the end of each six months, to wit : on the first days of May and November of each and every year the first of such semi-annual payments to be made on the first day of May, 1895.

"The rental for the second ten years of the term payable half-yearly on the first days of May and November as above, shall be as follows :

The eleventh year	$26,000
The twelfth year	27,000
The thirteenth year	28,000
The fourteenth year	29,000
The fifteenth year	30,000
The sixteenth year	31,000
The seventeenth year	32,000
The eighteenth year	33,000
The nineteenth year	34,000
The twentieth year	35,000

"Provided always that if any part of the said rent, whether payable under this paragraph or in respect of the renewal term or terms in the following paragraph, shall be in arrear for three months whether legally demanded or not, the Commissioners, or if not then an existing corporation, the Government of the Province of Ontario, may re-enter on the premises, or on any part thereof in the name of the whole, and thereupon this agreement shall determine, and the remainder of the term then current shall terminate as well as any renewal or renewals thereof which under this agreement may be claimed.

"(5) If at the end of the said period of twenty years the company desire to renew for a further period of twenty years, and shall give notice in writing to the Commissioners at least twelve months before the expiration of the twenty years' period, they shall be entitled to and shall receive a further lease of such rights for the period of twenty years more at the rental of thirty-five thousand dollars ($35,000) per annum, and similarly the company shall be entitled at their option to three future renewals at a like rental of thirty-five thousand dollars ($35,000) per annum, the object and intention of this stipulation being to confer upon the company the right to an original term of twenty years at the rentals hereinbefore specified, and to four further terms or periods of twenty

years each at a rental of thirty-five thousand dollars ($35,000) per annum, making one hundred years in all, and the company shall then give up, or at the expiration of the first term of twenty years, or any subsequent term of twenty years, if un-renewed in accordance with this agreement, the works, premises, rights and privileges by this agreement granted or created without any claim for compensation with liberty to the company to remove their machinery. In case the company desire to terminate the lease, they may do so during the first period of twenty years upon three months' notice in writing to the Commissioners, or in case the Commissioners are not then an existing corporation, the Government of the Province of Ontario, payment of rent up to the time of the termination of such notice being made upon the giving of such notice.

"(6) In respect of all the rights and authorities which the Commissioners, by the agreement, have conferred or agreed to confer upon the company to exercise in and about the execution of the works to be constructed, and operating or working the same and of all other matters herein agreed upon, the company will indemnify the Commissioners in respect of the exercise of said rights by the company, and will hold them safe from any liability to any person whomsoever.

"(7) For the transmission of electricity and pneumatic power to points beyond the park, the company shall have the right to convey the same by wires, cables or other appliances in conduits beneath the surface of the park; and the company may pass a conduit under the electric railway within the park to enable electricity or pneumatic power to be conveyed between the railway and the edge of the cliff as far as the Niagara Falls and Clifton suspension bridge.

"(8) For the purposes of construction the company shall have the power to construct coffer-dams across both upper and lower ends of the natural channels between Cedar Island and the mainland, and to erect a temporary incline from the Falls View station of the Canada Southern Railway to receive supplies and machinery delivered by the said railway, and shall deposit excavated material in such places as the Commissioners may direct, and at all times to erect and maintain a submerged dam for the purpose of directing water from the river to the aforesaid natural channel.

"(9) The Commissioners shall not grant or confer upon any other company or person any right to take or use the waters of the Niagara river within the limits of the park so long as this agreement is in force, nor will the Commissioners themselves engage in making use of the water to generate electricity or pneumatic power except for the purposes of the park, saving always in so far as regards the exceptions contained in paragraph 12 of this agreement.

"(10) The company undertake to begin the works hereby licensed to be constructed by them on or before the first of May, 1897, and to have proceeded so far with the said works on or before the first of November, 1898, that they will have completed water connections for the development of 25,000 horse power and have actually ready for use, supply, and transmission 10,000 developed horse power by the said last-mentioned day.

"(11) The company whenever required shall, from the electricity or pneumatic power generated under this agreement, supply the same in Canada to the extent of any quantity not less than one-half the quantity generated, at prices not to exceed the prices charged to cities, towns, and consumers in the United States at similar distances from the Falls of Niagara for equal amounts of power and for similar uses, and shall, whenever required by the Lieutenant-Governor in Council, make a return of prices charged for such electricity or power, verified under oath by any chief officer of the company, and if any question or dispute arises involving the non-supply of prices of electricity or power for consumption in Canada, the High Court of Justice of Ontario shall have jurisdiction to hear and determine the same and enforce the facilities to be given or the prices to be charged.

"(12) The company may agree with the Electric Railway Company for the supply of electricity to work the said railway and also supply electricity for any other purposes within the park.

"(13) If the company should at any time or times continuously neglect for the space of one year effectually to generate electricity or pneumatic power as hereby agreed by the company, unless hindered by unavoidable accident, the Lieutenant-Governor in Council

may then and from thenceforth declare this agreement, the liberties, licenses, powers and authorities thereby granted and every of them to be forfeited, and thenceforth the same shall cease and determine and be utterly void and of no effect whatever.

"(14) All works to be done and executed by the company in order to carry out the rights hereby granted to them, and the manner in which the same may from time to time be proposed to be performed or varied, as well as the exercises of powers within the park, shall, before being commenced, be submitted by the company to the Commissioners for approval, accompanied by suitable plans, profiles, specifications and elevations as the case may require, the intention being that the buildings and works shall not detract from the park design and not in any way disfigure the park, of which disfiguring or not the Commissioners are to be the sole judges, and shall not be adopted or proceeded with before the approval thereof in writing shall have been given by the Commissioners.

"And for greater certainty but not so as to restrict the generality of the foregoing terms of this paragraph, it is hereby declared that such approval shall be required in the matters following:

"(*a*) The excavation of the channels to lead the waters of the Niagara from the point or points of intake to the location of the power houses, including the precautions necessary in relations to making openings under the railway for the admission of the waters of the river, and including the wheel-pits, tunnels, and portals to discharge the same, and the point of such discharge below the Falls.

"(*b*) The selection of the site on which the buildings and power-houses are to be located in accordance with the limits fixed by paragraph 1, and the general design and form of such buildings as suitable to the surroundings of the site selected. (See paragraphs 1 and 3.

"(*c*) The construction of the conduits whereby the cables, wires, pipes to convey the electricity or pneumatic power to points without the park. (See paragraph 7.)

"(*d*) The construction and position of coffer-dams, incline plane, buildings for temporary use during construction and position of tramways for use during construction, and for the removal of excavated or refuse material. (See paragraph 8.)

"(*e*) The change of the rising main of the town of Niagara Falls water supply and also the operations of the company are not to interfere with the regular working of the railway or its safety.

"(15) The parties hereto shall use their best endeavors to procure, and either party hereto may apply to the present Legislature of Ontario at its present session for an Act of incorporation enabling the parties hereto of the second part, or those who may be associated with them in the undertaking to carry on such works as an incorporated company, with sufficient powers to enable them to raise such capital by bond, debenture, stock, mortgage or otherwise, as may be deemed sufficient to carry out the foregoing contract and to enable them to construct and operate effectively the said works as hereinbefore provided for; and either party hereto may, at the present session of the said Legislature, apply to the said Legislature for an Act to ratify and confirm this agreement.

"(16) The rents hereby agreed to be paid are hereby declared to be a first and preferential charge upon the said works, and the company shall not have power to create any lien, charge or incumbrance upon the said works or any of them, by bond, debenture, mortgage or otherwise, which would interfere with or prevent the Commissioners from procuring payment of the rent hereby reserved, or any part thereof; and no simple contract creditor or other creditor of the company shall have any claim against the said works or any part thereof in priority of the claim of the Commissioners for rent.

"(17) Upon the due organization and formation of the corporation intended to be formed as hereinbefore provided, and when this agreement shall have been duly transferred to such corporation and it shall have assumed the same, the said parties of the second part shall thereby be relieved from personal responsibility for the performance of this agreement."

"In witness whereof the corporate seal of the Commissioners has been hereunto affixed by the chairman, who has also signed the same, and the parties hereto of the second part have hereunto set their hands and seals the day and year aforesaid."

Signed, sealed and delivered in the presence of	C. S. Gzowski, Chairman.	(Seal)
	Albert D. Shaw,	(Seal)
James Wilson.	Francis Lynde Stetson,	(Seal)
	Wm. B. Rankine.	(Seal)

The foregoing agreement was approved by the Legislature and an Act was passed to give effect to its provisions and for the formation of a joint stock company known as The Canadian Niagara Power Company.

Owing to the want of funds no works have been undertaken during the year, and the expenditures in connection with the ordinary staff have been confined to keeping the roads, paths, bridges and the grounds generally in as good condition as the limited means at the disposal of the Commissioners will admit of.

The number of visitors to the park during the year shows a considerable falling off, viz., 233,495 as compared with 272,485 in 1891. Full particulars as to the number entering the gates for each month of the year will be found in the tabulated statement attached to the report of the superintendent of the park; from which it will be seen that 36,514 carriages entered the park, containing 109,412 visitors, and 124,083 pedestrians.

In view of the very small amount of revenue derived from the tolls charged pedestrians who visited the islands, the Commissioners decided to abolish the tolls in question. The government approved of the recommendation in this behalf and since July the entire park grounds have been free to all pedestrians.

The receipts and expenditures for the year ended 31st December, 1891, are exhibited in the following summaries, the details of which will be found in the statements attached to the superintendent's report:

Receipts.

Received from sales of old materials, rents, etc		$ 1,485 75
" hydraulic lift tolls	$3,205 41	
" island bridge tolls	1,922 95	
		5,128 36
" Imperial Bank, interest on deposits		521 62
" Osler Syndicate, 3 months' rental on account of electric railway		2,500 00
" Canadian Niagara Power Company		35,000 00
" Imperial Bank of Canada, overdraft		15,673 79
		$60,309 52

Expenditures.

Imperial Bank, overdraft in 1891, including interest thereon	$14,040 74	
Salaries and wages, including laborers' wages	11,976 58	
Paid for materials and supplies	3,062 35	
" lands for electric railway right of way	4,239 00	
" Commissioners' expenses	240 56	
" Coupon interest on bonds, 1892 $21,000 00		
" interest on advances, etc 883 63		
	21,883 63	
" Colonel Shaw, refund of railway deposit	4,866 66	
		$60,309 52

In the appendix will be found the report of the superintendent and the financial and statistical tables usually attached.

All of which is respectfully submitted.

C. S. GZOWSKI,
Chairman.
J. W. LANGMUIR,
JOHN A. ORCHARD,
Commissioners.

APPENDIX.

To the Commissioners of the Queen Victoria Niagara Falls Park :

GENTLEMEN,—I beg to submit my report for the year ending 31st December, 1892.

The past year, like those which have preceded it since the establishment of the park, has been characterized by an urgent necessity for the strictest economy in the expenditure of money, and the much needed works of reclamation, improvement and planting which have been annually referred to in my reports, and which we hoped to be able to begin in 1892, had again to be postponed, and only the most needy works of maintenance, or such matters as could not very well be put off, were undertaken. It is perhaps a matter for regret that so many years are allowed to pass without energetic measures being taken to carry out, on a comprehensive scale, the various improvements which have been in contemplation since the setting apart of this property for the purposes of a public park; the conditions of soil and climate are most favorable for the growth and full development of all kinds of trees and shrubs, and the extent and situation of the property certainly demands at least generous treatment.

ELECTRIC RAILWAY.

The construction of the electric railway through the park and extending to Queenston and Chippewa, under the terms of the franchise granted to E. B. Osler and others in December, 1891, was early begun, and the work carried on throughout the season. By the end of the year the rails had been laid from Queenston to Chippewa, and about one-half of the line ballasted and put into shape. The work of completing the ballasting, etc., on the remaining portion of the line will be carried on during the winter, so as to have the road-bed thoroughly prepared against the opening of the season of 1893. The extensive works in connection with the development of water power to generate electricity were not begun until midsummer, and have not yet been completed. It is expected these works will all be in a forward state by the time spring opens, and be finished in ample time for the opening of the line in May next.

The foundations of the power house have been brought up to the level of the ground only.

Some of the poles for the wiring of the line are on hand, but nothing has as yet been done on the ground towards the electrical equipment of the road.

The carrying out of the various works of construction in connection with the electric railway necessarily did much to mar the appearance of the park for the time being, as the line is located, generally, along the line of travel from end to end of the property; especially was this the case during the busy season, and the park revenues suffered considerably in consequence. To enable the hydraulic tunnel work to be gone on with, the flow of water over a considerable portion of the fall, near Table Rock, was shut off by means of a dam. This left the face of the cliff exposed for a considerable distance from the mouth of our tunnel, through which visitors pass to get views of the "Sheet of Water." It also prevented the near approach in front of the fall to the great mass of falling water, which is certainly the chief feature of a trip "Under the Falls."

As soon as the ice goes away the natural flow of water over the fall will be restored, as by that time all work in connection with the hydraulic tunnel will have been completed and the trimming and sodding of embankments and cuttings, the construction of paths where encroached upon by the railway, and grading and levelling around the power house, will tend largely towards removing these objectionable features; and leave the premises in good condition for the increased travel of 1893.

All the work done in connection with the electric railway has been of the most substantial and permanent character, and with good overhead construction, and rolling stock equipment, the road will most certainly be a very attractive feature to all visitors to the park.

Roads.

Notwithstanding the large amount of heavy teaming over the whole length of the park driveway, necessitated by the railway works, the roadway was maintained in good order. Good clean sifted gravel was put on the worn portions, and the road kept well watered and scraped.

On the Dufferin Islands, where the line of the electric railway crosses the main driveway, the high railway embankment required the raising up of the road on either side several feet. This work has been left in an unfinished condition and will have to be set right as soon as the frost is out of the ground.

Owing to the crowded state of the driveway between the Mowat Gate and Table Rock House, at certain seasons of the year, it would be a desirable improvement to widen out this portion of the road so as to allow of three carriages passing abreast, as it often happens that one may be moving slowly while others are hurried, and there is sometimes a temptation to drive over on the sod if unobserved. Should the opening of the electric railway not afford a measure of relief, by diminishing the number of carriages on excursion days, this work would require to be taken in hand during the coming season, as there is every reason to apprehend a very large stream of travel in 1893, and any tendency to crowding will be much more apparent than at other times.

Paths.

The main pathway along the edge of the cliff from the entrance at the Clifton House up to the Falls, was thoroughly overhauled and widened out to nine feet; and the iron railing which protects the cliff side of the walk was in several places straightened out and made to conform to the level of the roadway adjacent.

At several places south of the Falls the railway encroached upon the pathway, and a new one will have to be provided at such points when the spring opens.

Bridges.

The work of repairing the Suspension Bridges, which was commenced late in the autumn of 1891, was completed early in the spring, and one of the bridges properly painted. The western abutment of the bridge at Clark Hill was practically renewed by the building of a substantial revetment in front of it. Repairs to the Cedar Island bridges were of necessity put off for a year.

Owing to the continual lowering of the level of the water in the river, the breach extending from the "gap" down to the foot of Cedar Island has in a large measure lost its attractiveness, a portion of the stony bed being continually exposed to view, and the remainder so shallow in parts as to be readily forded at all seasons of the year. Advantage was therefore taken of the material excavated from the site of the power house and intake of the railway to fill up the channel opening along the line of the lower bridge, so as to change the stream into a pond with an overflow only, provision being made of course to empty the pond when desired. By so doing the level of the water can be raised considerably in the lower end of the pond, and the scenic effect much improved, with the additional advantage of a saving in the maintenance from year to year of a perishable structure. The pond may be used in winter time as an open air skating rink, and in summer as a boating place. A rustic bridge of neat design was thrown across the little stream which separates Sumack Island from the mainland at "Tempest Point."

Shelters and Seats.

A substantial rustic shelter, of pretty design, was built at "Ramblers' Rest" the first stopping place for carriages after entering the park. The structure is entirely of cedar and elm bark with wild vines for ornamentation, and its appearance is much admired.

A similar structure is much needed at "Inspiration Point" and smaller ones at various places where visitors always stop to enjoy the views.

A plain rustic shelter was also put up at the cascade on Dufferin Islands where many pic-nic parties usually resort. The rustic benches were repaired from time to time, and two dozen new ones added to our stock. Many more are required before we can hope to afford our visitors proper facilities in this way.

Buildings.

Practically nothing has been done towards the repair of the several buildings in the park. Table Rock House and the old Museum building are certainly in need of immediate attention if they are to be preserved, and a large outlay will have to be made to put them in proper repair. These buildings are too large for park purposes, and in design are out of harmony with their surroundings.

Visitors.

The total number of visitors to the park in 1892 was 233,495. This number is considerably less than the return for 1891 which gave a total of 272,485. The falling off occurred in the latter half of the year, and was exclusively confined to the carriage travel as the number of pedestrians recorded shows an increase of nearly twenty-four per cent. and the carriage travel a decrease of over thirty-six per cent.

A tabulated statement of the number of visitors entering the gates for each month of the year, together with the revenue from visitors, etc., will be found appended.

Many large excursions came to the park in July and August, and they all appeared to enjoy their visit thoroughly.

Hot water in abundance was, as usual, provided free of cost, and lunch tables and benches arranged in the pic-nic grounds under shade, and in full view of the Falls.

Flora of the Park.

The collection of the flora found within the park, which was referred to in last year's report, has been considerably enlarged and now numbers fully nine hundred distinct specimens, many of them exceedingly rare. These have all been carefully mounted and labelled, and will be catalogued for ready reference. The collection is not yet complete, but it is already attracting wide attention owing to the exceptional quantity and quality of the exhibits.

Minerals of Ontario.

The collection of the minerals of Ontario, which has been on exhibition in the Museum building for some time, has been sent to Chicago for exhibition at the World's Fair.

No trouble has been experienced in maintaining good order throughout the year, notwithstanding the very large numbers frequently present.

The whole respectfully submitted,

JAMES WILSON,
Superintendent.

Niagara Falls, January, 1893.

QUEEN VICTORIA NIAGARA FALLS PARK.

Statement shewing the number of visitors and the money received at the Park for the year 1892.

Months, 1892.	Number of carriages entering the park.	Number of Visitors.			Receipts from Visitors.			Average per visitor in cents.	Sundry Receipts.			Total Receipts.
		In carriages.	Pedestrians.	Total.	At elevator.	At islands.	Total.		Electric railway.	Sunday sales, rents, etc.	Interest on bank deposits.	
					$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
January.....	1,221	3,801	1,965	5,766	64 75	10 25	75 00	1 30		96 50	.....	171 50
February.....	1,182	3,182	2,029	5,211	77 75	19 90	97 65	1 87		90 50	.....	188 15
March	946	2,257	2,665	4,922	82 25	9 45	91 70	1 67		90 50	.....	182 20
April	1,400	3,869	4,493	7,862	134 00	44 65	178 65	2 28		130 00	....	308 65
May	2,317	5,800	7,998	13,798	264 00	164 55	428 55	3 10		130 00	156 05	714 60
June	4,746	15,176	14,613	29,789	482 75	293 50	776 25	2 60		130 00	.....	906 25
July	7,281	25,765	24,268	50,033	710 41	412 95	1,123 36	2 24		180 25	.....	1,303 61
August.....	7,399	22,517	31,594	54,111	637 50	468 00	1,105 50	2 04		130 00	.....	1,235 50
September.....	4,653	13,444	14,444	27,888	411 75	281 45	693 20	2 48		131 00	... .	824 20
October.....	2,969	8,357	8,822	17,179	211 75	168 25	380 00	2 24		125 00	.....	505 00
November.....	1,301	3,121	6,094	9,215	85 75	42 75	128 50	1 40		125 00	203 52	457 02
December	1,099	2,623	5,098	7,721	42 75	7 25	50 00	64	2,500 00	125 00	.....	2,675 00
Totals.....	36,514	109,412	124,083	233,495	3,205 41	1,922 95	5,128 36	2 11	2,500 00	1,483 75	359 57	9,471 68

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